



SOUTH DAKOTA DEPARTMENT OF CORRECTIONS

Title II - Formula Grant Program 2012 Plan Update

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Project Abstract

The State of South Dakota will utilize FY2012 Title II Formula Grant funds consistent with federal requirements. The budget is based on the allocation of \$400,000. The designated state agency, South Dakota Department of Corrections, will ensure that subgrantees use funds consistent with Title II requirements and purpose areas.

South Dakota will allocate funds consistent with program purpose areas: 02 Alternatives to Detention, 06 Compliance Monitoring, 08 Deinstitutionalization of Status Offenders, 10 Disproportionate Minority Contact (DMC), 17 Jail Removal, 19 Juvenile Justice System Improvement, 22 Native American Programs, 23 Planning and Administration, 28 Separation, and 31 State Advisory Group.

Activities that will be implemented to achieve the project goals and objectives include:

- maintaining compliance with the core requirements of the JJDP Act by assisting counties in funding alternatives to secure detention and jail;
- supporting Juvenile Detention Alternatives Initiative pilot projects;
- monitoring compliance with core requirements by inspecting facilities and collecting and verifying juvenile admission data;
- supporting DMC intervention efforts including local DMC planning and early intervention and diversion programs;
- funding Native American tribal juvenile justice programs and inter-tribal planning efforts; and
- supporting the Council of Juvenile Services (State Advisory Group for Title II program).

I. Description of System

A. Structure and Function of Juvenile Justice System

1. South Dakota's Juvenile Code

A reorganization of South Dakota's laws that apply to the juvenile justice system was accomplished in 1991 with most statutes pertaining to juvenile proceedings being placed in Title 26. Four chapters contain most of the statutes that apply to the juvenile justice system.

Chapter 26-7A is entitled "Juvenile Court" and contains most of the juvenile court statutes which apply to abused and neglected youth, children in need of supervision, and delinquent youth.

Chapter 26-8A is entitled "Protection of Children from Abuse or Neglect" and includes statutes that apply to alleged or adjudicated abused and neglected youth. Chapter 26-8B is entitled "Children in Need of Supervision" and contains statutes that apply to status offenders. Chapter 26-8C is entitled "Delinquent Children" and contains the statutes that apply to children who commit acts that would be illegal if committed by an adult.

South Dakota's juvenile justice system is based on the premise that all proceedings under SDCL 26-7A, 26-8A, 26-8B, and 26-8C shall be in the best interests of the child (SDCL 26-7A-5). Further protection for children is provided by SDCL 26-7A-6 which provides that these four chapters "shall be liberally construed in favor of the child, the child's parents, and the state for the purposes of protecting the child from abuse, neglect by the child's parents, guardian, or custodian and for the purposes of affording guidance, control and rehabilitation of any child in need of supervision or delinquent child."

Juvenile jurisdiction original proceedings rest with the circuit court and are civil in nature. Proceedings for juveniles who commit acts that are illegal for adults and that are exceptions to the delinquent definition above—such as motor vehicle, hunting, or fishing violations—are generally held in magistrate court. Juveniles appear in adult magistrate court for driving under the influence and open container violations.

There are cases where juveniles are prosecuted in adult court. SDCL 26-11-3.1 provides for trying in adult court any alleged delinquent child sixteen years of age or older against whom Class A, Class B, Class 1, or Class 2 felony charges have been filed. The child may then request a transfer hearing to determine if it is in the best interest of the public that the child be tried in circuit court as an adult. In such a transfer hearing, there is a rebuttable presumption that it is in the best interest of the public that any child, sixteen years of age or older, who is charged with a Class A, Class B, Class 1, or Class 2 felony, shall be tried as an adult.

SDCL 26-11-4 provides for the transfer of delinquency proceedings from juvenile to adult court. “At the transfer hearing, the court shall consider only whether it is contrary to the best interest of the child and of the public to retain jurisdiction over the child.”

2. Responsible Agencies

a) Law Enforcement

Generally, the responsibilities of law enforcement in the juvenile justice system include the following:

- λ Investigating alleged acts committed by juveniles which may constitute delinquent or child in need of supervision violations;
- λ Taking juveniles into temporary custody with or without court;

- λ Transporting juveniles to court hearings if they have been held in temporary custody pending court action;
- λ Responding to child protection issues including investigations of abuse or neglect and enforcing protection orders.

County Sheriffs - While municipal police make the majority of juvenile arrests, sheriff departments are primarily responsible for providing temporary custody services and transportation.

Counties are responsible for funding of sheriffs' offices. In those counties with jails, sheriffs are generally responsible for the operation of the jail. Sheriffs may also have administrative responsibilities for the juvenile detention facility located in the county in which they serve.

Municipal Police Departments – There are 75 municipal police forces in South Dakota. (Source: *South Dakota Criminal Justice Directory*) The common council of the municipality appoints Chiefs of Police. Police officers have responsibility to preserve order, make arrests and serve writs and notices. While municipalities are authorized to operate jails, most do not as counties are generally responsible for incarceration costs of individuals awaiting court action or serving a jail sentence.

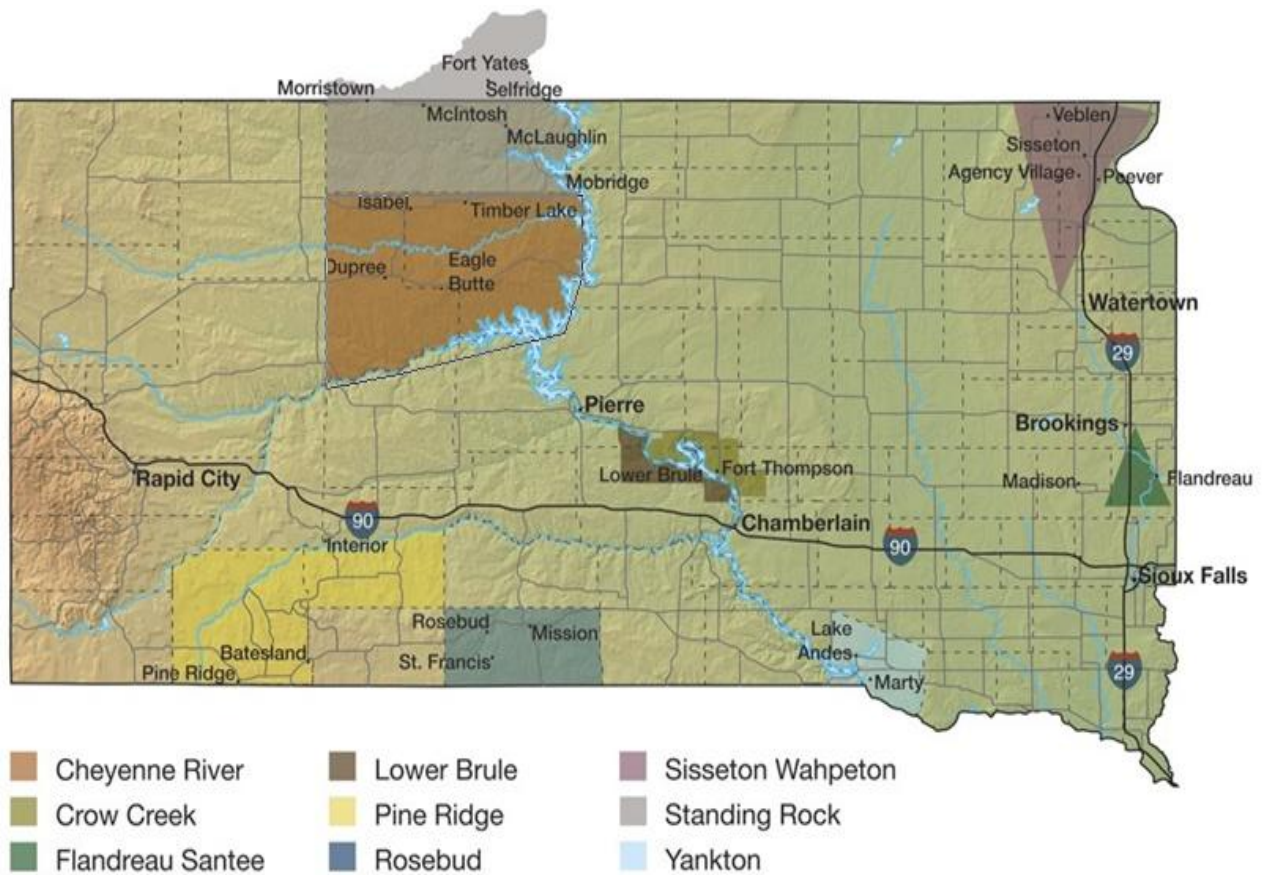
State Law Enforcement – The South Dakota Highway Patrol is a division of the South Dakota Department of Public Safety and “is entrusted with the enforcement of all laws, police regulations, and rules governing the operation of motor vehicles and motor carriers.” (Source: SDCL 32-2-12) The Highway Patrol's contact with juveniles normally occurs on the highways of South Dakota and when the Highway Patrol is called upon for assistance by other law enforcement agencies.

The Division of Criminal Investigation (DCI) - DCI is a division of the South Dakota Attorney General's Office. DCI is responsible for criminal investigations, the operation of the State Forensic Laboratory, Law Enforcement, and 911 Training. The Identification Section maintains identification records and criminal history information for the state. The DCI is also responsible for maintaining the registry of sex offenders in South Dakota. The Criminal Intelligence Unit assists local, state, tribal and federal law enforcement by collecting, analyzing, and disseminating criminal intelligence information in order to support investigations. The Criminal Statistical Analysis Center within DCI serves as a clearinghouse for criminal justice statistical data.

Tribal and Federal Law Enforcement – There are nine federally recognized Native American Tribes in South Dakota (refer to the below map for a location of federally recognized tribes in South Dakota). According to information prepared by South Dakota Voices for Children, five of the Tribes provide their own law enforcement with the remaining tribes having their law enforcement agency operated by the Bureau of Indian Affairs. (Source: *South Dakota Tribal Juvenile Justice Directory*)

The nine federally recognized tribes are listed below, those with BIA law enforcement are marked with asterisks (*):

- λ Cheyenne River Sioux Tribe
- λ Crow Creek Sioux Tribe *
- λ Flandreau Santee Sioux Tribe
- λ Lower Brule Sioux Tribe *
- λ Oglala Sioux Tribe (Pine Ridge)
- λ Rosebud Sioux Tribe
- λ Sisseton-Wahpeton Sioux Oyate
- λ Standing Rock Sioux Tribe*
- λ Yankton Sioux Tribe *



b) Juvenile Detention and Other Pretrial Programs

Counties are responsible for the costs of temporary custody through completion of the dispositional hearing. Counties are also responsible for the costs of detention or shelter if youth are placed in these facilities as a disposition. Counties are authorized by state law to operate juvenile detention centers, enter into compacts with other counties for detention operation, and contract for detention or shelter care services. Counties also are responsible for maintaining courtroom and office space for court employees.

There are two regional detention centers in South Dakota: the Minnehaha County Juvenile Detention Center (Sioux Falls) and the Western South Dakota Juvenile Services Center (Rapid City). There are six additional county-operated detention centers in South Dakota.

The facilities in Sioux Falls and Rapid City provide non-secure custody housing as well as secure detention. Licensed group care and residential treatment centers provide secure and non-secure custody services for counties on a fee for service basis.

With support from the Formula Grants program, one holdover site is operated to provide short-term non-secure custody services.

c) Courts**(1) Prosecution**

State's Attorney – The State's Attorney, in the county in which the crime occurred, where the child resides, or where the child currently is present, is responsible for representing the state in all abuse and

neglect, children in need of supervision (CHINS), or delinquency proceedings. The State's Attorney is an elected county official and must be licensed to practice as an attorney and counselor at law. State's Attorneys are responsible for conducting preliminary juvenile investigations, determining whether a petition shall be filed, and representing the state in all juvenile proceedings.

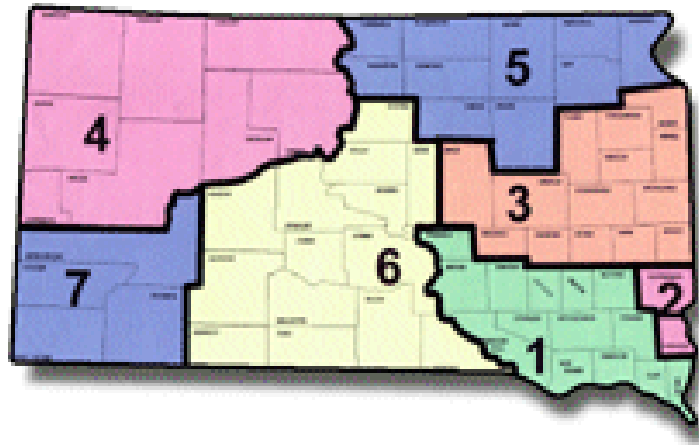
Tribal and Federal Prosecution – The federal government has concurrent jurisdiction with tribal courts for felony prosecutions of crimes committed by Native Americans on the nine Native American reservations in South Dakota. The U.S. Attorney's Office prosecutes juveniles who commit the most serious crimes, juveniles who repeatedly commit felony crimes, and juveniles who need rehabilitative services.

(2) Judiciary

The circuit courts are the general trial courts of the Unified Judicial System. These courts have original jurisdiction in all civil and criminal cases. They are the only courts that can try and determine criminal felony cases, civil cases that involve more than ten thousand dollars in damages, and appeals from magistrate court decisions. (Source: UJS website)

The circuit courts of South Dakota have exclusive civil jurisdiction over juvenile proceedings. The 66 counties in South Dakota form seven judicial circuits with forty-one circuit judges. Judges are elected by voters in their circuit in non-partisan elections every eight years. The Governor appoints judges to fill judicial vacancies of unexpired terms. The Chief Justice of the Supreme Court appoints one judge in each circuit to act as the presiding circuit judge to supervise and administer

the operations within their circuits. In addition to the judges, each circuit has a staff of court services officers trained to provide a variety of assistance to judges, offenders, and the community at large.



(3) Court Services Officers

Court Service Officers, or CSOs, provide a myriad of services to clients. CSOs conduct pre-dispositional reports, pre-sentence investigations, and recommend plans for dealing with juvenile and adult offenders who may be placed on probation to the sentencing Judge. In preparing these plans, the CSO takes into account public safety, victims, and community restoration, and identifies ways to increase offenders' skills so that they can be productive citizens. The officers also provide in-state probation supervision, interstate compact supervision, counseling, and/or community referral services to those placed on probation. As an alternative to committing youth to the Department of Corrections, CSOs work with private providers and various governmental agencies in order to provide intensive probation and access to community-based services. In 1996, the South Dakota Legislature enacted legislation that transferred placement authority and

fiscal resources for out-of-home placement from the Court System to the Department of Corrections. With the exception of the Human Services Center, inpatient alcohol and drug treatment, and detention, the Court can no longer directly place children in residential facilities as a disposition for a CHINS or delinquency adjudication. Additionally, informal adjustment diversion services may be offered to families as an alternative to adjudication and further penetration into the juvenile justice system. However, these services must be authorized by a state's attorney pursuant to SDCL 26-7A-10 or by a circuit court judge in accordance with SDCL 26-7A-89.

Alleged delinquent children, CHINS, and their family members can become clients during the pre-adjudication phase, through a referral process to the Court Services Department, or by the state's attorney for diversion services. Whenever adjudications as delinquent children or children in need of supervision occur, the children and their families become clients until their services are terminated by the court. (Source: UJS website)

SDCL 26-8B-6 and 26-8C-7 provide the statutory basis for dispositional services provided to delinquent children and children in need of supervision. Juvenile probationers and their families receive services consisting of counseling, referrals to community-based services, and self-discipline assistance. As part of a program to assist juvenile offenders with respecting individuals and their communities, as well as enhance their self-esteem, court services officers work with the juvenile offenders to repay financial restitution to their victims and contribute community service hours of work to their communities through home-based services. (Source: UJS website)

d) Department of Corrections

The Department of Corrections, or DOC, provides out-of-home placement and aftercare services for children in need of supervision and delinquents committed to their care. To accommodate the needs of juveniles, the DOC operates five programs (two for females and three for males) at the State Treatment and Rehabilitation (STAR) Academy in Custer, and contracts with private group and residential treatment facilities both in South Dakota and out of state.

Once juveniles complete their program and are recommended for release, they are placed under the aftercare supervision of a Juvenile Corrections Agent. The child, the child's parent or custodian, and the Agent sign an aftercare contract. Revocation of the child's aftercare may take place through an administrative due process procedure that is utilized to determine if the child violated the conditions of the aftercare contract.

e) Private Residential Facilities

Private residential providers have a significant role in South Dakota's juvenile justice system. Facilities are licensed by the Department of Social Services to provide shelter care, group care, psychiatric residential treatment, and intensive residential treatment. The Department of Corrections averages 140 youth per day in South Dakota private placement facilities. Some of these facilities also provide temporary custody for youth awaiting court action.

f) Community-based Services

In the spring of 2011, South Dakota Governor Dugaard transitioned a number of Divisions within the Department of Human Services (DHS) to the Department of Social Services (DSS), due to the realignment of

behavioral health services directed by the Executive Order he issued at that time. The change is beneficial for people who depend on publically funded behavioral health services.

The initial changes included the creation of two new divisions: the Division of Community Behavioral Health which includes both community mental health and alcohol and drug services, and the Division of Correctional Behavioral Health which contains both mental health and substance abuse treatment services within the State's correctional system. These divisions replace the former Division of Mental Health and the Division of Alcohol and Drug Abuse. In order to highlight the importance of prevention and early intervention, a separate Prevention Program was also created.

(1) Alcohol and Drug Abuse Services

The South Dakota Division of Community Behavioral Health is a state government agency that operates under the Department of Social Services. The Division has established numerous programs throughout the state that focus on prevention and treatment for juveniles. These programs include the following:

- (a) South Dakota Community Coalitions
- (b) Prevention Resource Centers
- (c) Diversion Programs
- (d) Early Intervention Services
- (e) School Based Prevention Programming
- (f) Treatment Services (outpatient and inpatient)

The Division of Correctional Behavioral Health, also operating under the Department of Social Services, provides chemical dependency services to youth at the STAR Academy. All youth admitted to STAR Academy are given a full Chemical Dependency Treatment Needs

Assessment or Update to clarify the need for, and appropriate level of, programming. If the results show a need for CD services, the youth then receives Pre-Intensive Treatment and Intensive Outpatient Chemical Dependency Treatment consisting of chemical dependency education, group therapy, and individual counseling. Individuals who have completed treatment on site or at other facilities prior to arriving at STAR Academy may attend the Continuing Care program. This is followed with aftercare services. All students who received CD services at STAR Academy, along with those who completed Level II.1 services in the community, are set up with aftercare services when they are released from STAR Academy.

(2) Mental Health Services

(a) Division of Community Behavioral Health

The South Dakota Division of Community Behavioral Health is a state government agency operated under the Department of Social Services. There are eleven community mental health centers in South Dakota whose service areas cover the entire state. An array of services is provided across the age spectrum for persons with mental health needs. Specifically for children, there is a continuum of services to meet the needs of youth and families with complex needs resulting from a child's serious emotional disturbance.

These services are:

- (a) In-home individual therapy
- (b) In-home family education/support/therapy.
- (c) Out-of-Home Therapy.
- (d) Crisis Intervention.
- (e) Case Management.

- (f) Assessment and Evaluation.
- (g) Psychological Evaluation.
- (h) Group Therapy.
- (i) The Human Services Center

The Human Services Center is located in Yankton, in the southeastern tip of South Dakota. The Human Services Center is a state-of-the-art, licensed hospital providing inpatient psychiatric treatment services and chemical dependency treatment services.

The Adolescent Psychiatric Program provides adolescents, ages 12 through 17, with inpatient psychiatric evaluation and treatment. The Adolescent Chemical Dependency Program is accredited by the Division of Community Behavioral Health as a 20-bed inpatient alcohol/drug treatment facility.

(3) Division of Developmental Disabilities

The Department of Human Services Division of Developmental Disabilities provides services to juveniles in the justice system through the Turtle Creek Program and community Adjustment Training Centers.

(a) The Turtle Creek Youth Program

This program serves 40 behaviorally challenged, school-aged children by providing year-round educational and residential treatment programming to youth that are no younger than 10 years nor older than 21 years of age at time of admission, have a developmental disability, display behaviors that are dangerous or cause concern for the children or others, have unsuccessfully

received treatment in a less-restrictive environment, and are eligible for ICF/MR funding under Title XIX.

(b) Adjustment Training Centers

South Dakota contracts with 19 non-profit Adjustment Training Centers (ATCs) that provide services to people with a diagnosis of a developmental disability. Three agencies specialize in providing services to youth, including individuals that have been involved in the juvenile justice system. Since some of these youth are not effectively served in a school setting, these agencies provide an alternative educational program that focuses on the goals identified in each youth's Individual Education Plan (IEP).

g) Initiatives Impacting Juvenile Justice System

(1) Systems of Care Initiative

A System of Care is an organized network of agencies and community resources designed to support the needs of children, youth, and families with complex needs. State agencies were eager to implement a System of Care.

Through the leadership of the Division of Mental Health and the Association of State Community Mental Health Centers, South Dakota initiated the design and implementation of systems of care approach committed to serving children and youth in their homes and communities. The following is a timeline of the systems of care initiative in South Dakota:

2006: A Children's System of Care Steering committee was created which includes representation from the Departments of Human Services, Social Services, Corrections, Education, and the Unified Judicial System. Additionally, regional trainings were held on System of Care development with the encouraged attendance of those within corrections, child protection, the court system, school personnel, and community mental health providers. These trainings were the kick-off to expand Systems of Care development beyond the community mental health system.

2007: The Children's System of Care Steering Committee developed a Request for Proposals that would initiate the implementation of a System of Care Pilot Project that would target children and adolescents who meet the Intensive Case Management eligibility criteria. Rapid City was selected as the pilot site to focus limited funds on one area to encourage development of a local system of care. Extensive work has occurred at the local level regarding System of Care development, including multiple trainings for both professionals and families.

2008: The Division of Mental Health was awarded a Transformation Transfer Initiative Grant to assist with Systems of Care development. An important component of this grant includes the development of a multi-agency workgroup that will address funding and consider options to better utilize funding across state departments. In June 2008, The Department of Human Services, Division of Mental Health in conjunction with Behavior Management Systems conducted a SEARCH conference in Rapid City. A variety of community service agencies came together to begin the process of identifying service areas in which the System of Care initiative can focus. From this conference, the Vucurevich Foundation funded a planning grant forum held in October 2008, which focused on mental health and substance

abuse. Four community committees were formed and are currently operating. The four committees include a service infrastructure committee, a service integration committee, a prevention committee and a family advocacy committee. The Vucurevich Foundation is staffing these committees to help the communities work together in an effort to focus on mental health and substance abuse services and to facilitate the Systems of Care process.

2009: Pierre was selected as the second System of Care pilot site after the Division of Mental Health was successful in securing additional training dollars through the Transformation Transfer Initiative grant. The Pierre area will be working to develop its own local system of care framework. Area providers and families in Rapid City and Pierre participated in an Intensive Wraparound Training that included targeted technical assistance and coaching and in a Parent Professional Partnership Training to set the stage for family involvement at every level of the System of Care development.

2010: Rapid City and Pierre were involved in web-based training and technical assistance from the University of South Florida's Department of Child & Family Studies to further stakeholder knowledge and skills as they relate to leadership, cultural awareness, and parent partnerships. The University of South Dakota also secured a Child Welfare Traineeship Grant through the National Child Welfare Workforce Institute. This allowed the University to provide a significant emphasis on Systems of Care training and development for the local community and students in the social work, psychology and addiction fields.

2011: ZiaPartners made a presentation at the statewide Unified Judicial System training on the application of CCISC and System of Care principles specifically within the criminal justice system, to articulate

the goal of helping children, youth, adults and families live more successful lives while preserving and enhancing public safety. This event facilitated the ability of Unified Judicial System leadership to engage all their adult and juvenile staff as partners in System of Care development. The Systems of Care Assessment Tool (SOCAT) was also created and distributed. Community Mental Health Centers, Substance Use Treatment providers, Department of Corrections, Unified Judicial System, Division of Developmental Disabilities, Division of Child Protective Services and other community agencies are utilizing the tool to assess their alignment towards the key values and principles outlined for Systems of Care and begin planning first steps for further implementation.

2012: the community of Vermillion has shown interest and will begin community group meetings around the System of Care values and principles. A Sioux Falls community group also began meeting around the Systems of Care principles in 2009 and is currently working to implement change in their individual agencies as well as within the Sioux Falls community.

(2) South Dakota FASD Prevention WIC Brief Intervention Project

The goal of the South Dakota FASD (Fetal Alcohol Spectrum Disorders) Prevention WIC Brief Intervention Project is to provide screening and brief intervention in targeted state WIC clinics in order to reduce the number of pregnant women who use alcohol and/or have behavioral risk factors for alcohol use while pregnant.

The project is designed to integrate and adapt a screening and brief intervention strategy into the WIC clinic process for pregnant women applying for WIC services. Pregnant women applying for WIC

services complete a screening assessment as part of the application process; women screening at-risk are then engaged in a brief intervention providing education on the harmful effects of alcohol while pregnant and strategies for avoiding alcohol use.

The project is jointly implemented by the South Dakota Department of Social Services Behavioral Health Prevention Program and the South Dakota Department of Health. The project began in 2008 and has screened over 5,000 pregnant women applying for WIC services as of August 2011. The project has demonstrated that through a collaborative effort and training, an evidence based program can be integrated into the WIC clinics.

The target population for the South Dakota FASD Prevention WIC Brief Intervention Project is drawn from South Dakota Department of Health WIC clinic sites. The State Task Force prioritized WIC clinic sites based on historical WIC clinic numbers of pregnant women accessing WIC services by clinic site. The WIC sites with the largest proportion of pregnant women were selected. Additional population factors associated with the risk of drinking while pregnant were considered by the State Task Force in prioritizing the sites for implementing the brief intervention. The project sites are geographically spread across South Dakota and include both urban and rural clinics.

The initial clinic sites are located in Aberdeen, Mobridge, Pierre, Rapid City, and Sioux Falls. The project expanded to an additional five sites in June of 2010. The five expansion clinics are located in Belle Fourche, Huron, Watertown, Winner, and Yankton.

During the reporting period of August 1, 2010 through July 31, 2011, the South Dakota Department of Health WIC data base reports 2,601 pregnant women applied for certification for WIC services. Of these women, screening assessments were completed on 2,279 women (87.6%). The following table provides a summary of the number of women applying for WIC certification by project site during the reporting period.

Site	Number of Pregnant Women Applying for WIC Certification (August 1, 2010 to July 31, 2011)
Aberdeen	218
Mobridge	28
Rapid City	725
Pierre	104
Sioux Falls	979
Huron	166
Belle Fourche	69
Watertown	169
Winner	31
Yankton	112
Total	2,601

Women identified as eligible for participation in the screening and brief intervention can be grouped into three specific groups. The first group includes those women who stopped drinking or using alcohol prior to becoming pregnant but qualified for the program based on their historical alcohol use. Most of these women who agree to participate in the program recognize the dangers and risks of drinking while pregnant and report they have already discontinued their alcohol use.

The second group consists of women who continued to use alcohol at the beginning of their pregnancy prior to their knowledge of their

pregnancy. The majority of these women report that they stopped using alcohol as soon as they had knowledge of their pregnancy and report that they have discontinued drinking.

The third group consists of women who struggle with alcohol addiction and continued to drink even after knowledge of their pregnancy. Most of these women acknowledge the harmful effects of alcohol upon their pregnancy but struggle to avoid alcohol use. These women when identified are referred for additional alcohol and treatment through a referral process.

The project has identified and is addressing a number of challenges related to implementation of the project. These include training of new staff members, maintaining project activities during busy periods at WIC clinics, reviewing procedures for screening pregnant women applying for WIC services, enhancing process for engaging at-risk women in services, and continued training on the brief intervention process and follow-up procedures. (Source: *South Dakota Department of Social Services; Behavioral Health Prevention Program; South Dakota FASD Prevention WIC Brief Intervention Project Annual Report*)

(3) Juvenile Detention Alternatives Initiative

The Juvenile Detention Alternatives Initiative (JDAI) was identified by the Council of Juvenile Services as a project that could address South Dakota's high juvenile incarceration rate. The JDAI model was developed by the Annie E. Casey Foundation and is consistent with its vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. JDAI provides a planning and problem-solving framework coupled with

training and technical assistance to assure communities engage in best practices with regard to juvenile detention practices; the focus of which is enhanced policy and practice and the development of alternatives to detention for youth.

Youth are often unnecessarily or inappropriately detained at great expense, with long-lasting negative consequences for both public safety and youth development. At its essence, the purpose of the Juvenile Detention Alternatives Initiative is to demonstrate that jurisdictions can safely reduce reliance on secure detention. Objectives of JDAI include the following:

- Eliminate the inappropriate or unnecessary use of secure detention;
- Minimize re-arrest and failure-to-appear rates pending adjudication;
- Ensure appropriate conditions of confinement in secure facilities;
- Redirect public finances to sustain successful reforms; and
- Reduce racial and ethnic disparities.

The Council of Juvenile Services met and approved a plan to pursue the JDAI by partnering with the two largest juvenile justice jurisdictions in the state – Minnehaha and Pennington counties. Local JDAI councils have been established in these two communities to address specific activities of JDAI including the development of a risk assessment instrument and the development of detention alternatives. Two members of the Council actively serve on each of the local JDAI councils and workgroups will be developed as needed that will be comprised of JDAI Council members and non-members. In addition, the Council will provide formula grant program staff to assist with the JDAI pilot projects.

A joint Risk Instrument Committee was formed to develop and implement the detention screening instrument. The committee has representatives from both pilot project communities. Consulting contracts will be established with JDAI experts who will be responsible for training of the JDAI Councils and facilitating JDAI Council meetings.

The first year of the JDAI focused on the development of local JDAI Councils, training and planning for juvenile detention alternatives and the development of the detention risk assessment instrument. The second and third year of JDAI will focus on implementation of the risk assessments and detention alternatives, as well as assessing and modifying system enhancements as needed.

The JDAI initiative will allow the state to maintain compliance with the deinstitutionalization of status offenders and disproportionate minority contact requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.

JDAI Coordinators along with the Minnehaha and Pennington County Councils will continue to work toward implementing JDAI locally to decrease the number of South Dakota youth being held in secure detention through the use of the RAI, local alternatives to detention, and collaboration with stakeholders throughout the state to ensure that the system is doing what is in the best interest of youth.

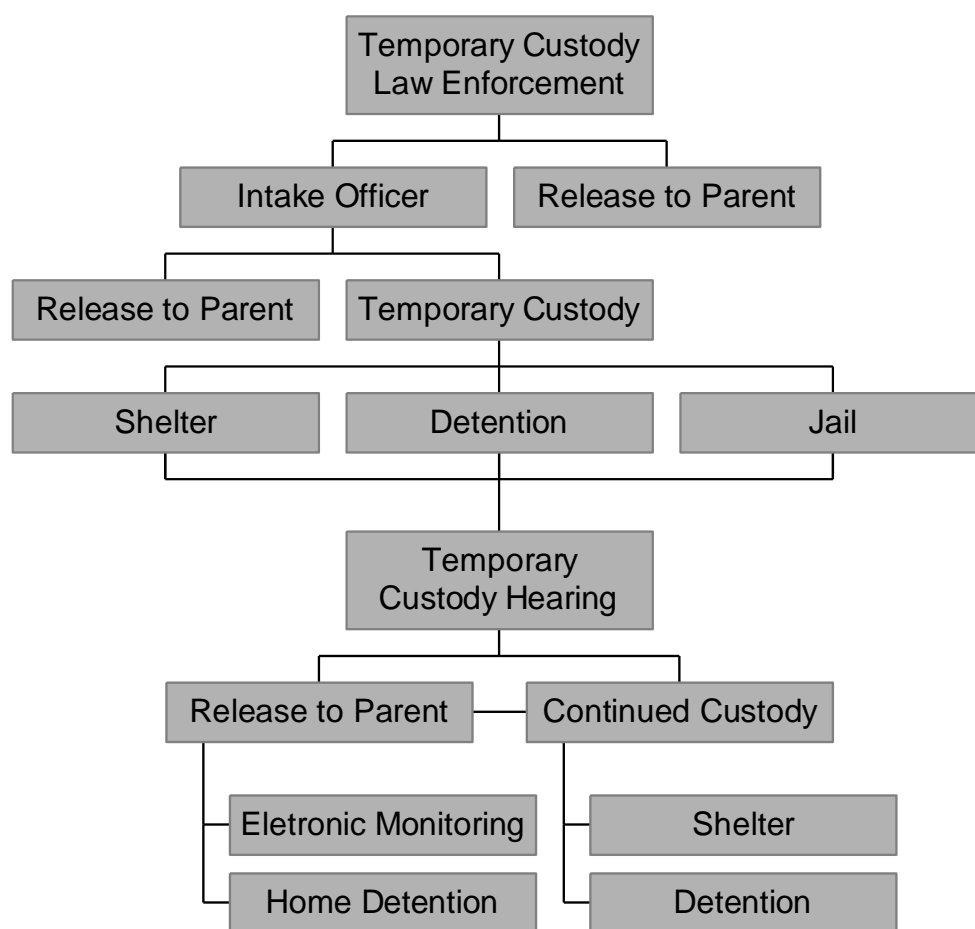
The Council of Juvenile Services will reorganize the DMC efforts in the fall of 2012 where the responsibility of reducing DMC will be placed with local JDAI Coordinators and local JDAI groups. Efforts will include implementation of strategies that work in conjunction with the JDAI process that specifically aim to implement system changes

that reduce the over-representation of minority offenders within the juvenile justice system.

B. System Flow**1. Temporary Custody Flow Chart**

The following system flow chart depicts the initial stages of temporary custody, which begins at the time a youth is taken into custody by law enforcement.

Temporary Custody Flowchart



a) Temporary Custody Definition

Temporary custody is defined as the physical and legal control of a child prior to final disposition. This includes the time the child is in the physical custody of law enforcement prior to release to parents, as well as the physical custody of a child in detention or shelter care.

b) Temporary Custody by Law Enforcement

Under SDCL 26-7A-12, a child may be taken into temporary custody by a law enforcement officer without order of the court under the following conditions:

- (1) If the child is subject to arrest under the provisions of § § 23A-3-2 and 23A-3-4 (arrest);
- (2) If the child is abandoned or seriously endangered in the child's surroundings or is seriously endangering others and immediate removal of the child appears to be necessary for the child's protection or for the protection of others;
- (3) If there are reasonable grounds to believe the child has run away or escaped from the child's parents, guardian, or custodian;
- (4) If the officer reasonably believes that temporary custody is warranted because there exists an imminent danger to the child's life or safety and there is no time to apply for a court order and the child's parents, guardian, or custodian refuse an oral request for consent to the child's removal from their custody or the child's parents, guardian, or custodian are unavailable; or
- (5) If the child is under the influence of alcohol, inhalants, or a controlled drug or substance.

Upon taking a child into temporary custody, the law enforcement officer must immediately notify an intake officer who will then conduct a hearing as required by 26-7A-13.1.

c) Intake Officer & Conditions Requiring Release

An intake officer is a judge of a circuit court or the court's designee who may not be a court services officer, law enforcement officer, or prosecuting attorney. Once notified that the child has been taken into temporary custody, the intake officer immediately holds a hearing to determine if the child will be released or held in temporary custody. The following statute outlines the conditions of release or temporary custody for consideration by the intake officer for an alleged child in need of supervision:

26-8B-3. Circumstances requiring release -- Circumstances allowing detention -- Length of detention. An apparent or alleged child in need of supervision taken into temporary custody by a law enforcement officer prior to a temporary custody hearing shall be released to the child's parents, guardian, or custodian unless the parents, guardian, or custodian cannot be located or in the judgment of the intake officer are not suitable to receive the child, in which case the child shall be placed in a shelter. A child may be placed in detention for no more than twenty-four hours, excluding Saturdays, Sundays, and court holidays, if the intake officer finds that the parents, guardian, or custodian are not available or are not suitable to receive the child, and finds at least one of the following circumstances exists:

- (1) The child has failed to comply with court services or a court-ordered program;

- (2) The child is being held for another jurisdiction as a parole or probation violator, as a runaway, or as a person under court-ordered detention;
- (3) The child has a demonstrated propensity to run away from the child's home, from court-ordered placement outside of the child's home or from agencies charged with providing temporary care for the child;
- (4) The child is under court-ordered home detention in this jurisdiction; or
- (5) There are specific, articulated circumstances which justify the detention for the protection of the child from potentially immediate harm to the child or to others.

The shelter or detention authorized shall be the least restrictive alternative available. The child may be held in detention up to an additional twenty-four hours following the temporary custody hearing pending transfer to shelter or release.

If the child is accused of or has been found in violation of a valid court order, the child may be placed in detention for more than twenty-four hours, if a temporary custody hearing, pursuant to § 26-7A-14, is held within twenty-four hours of the child being placed in a detention facility, an interview is conducted with the child, and a written assessment of the child's immediate needs is provided at the temporary custody hearing. The interview and assessment may be conducted by law enforcement, states attorney, court services, or other public employee. The child may not be held in detention greater than seventy-two hours unless revocation proceedings have been initiated.

If the child is being held for another jurisdiction as a parole or probation violator, as a runaway, or as a person under court-ordered

detention, the child may be placed in detention for more than twenty-four hours and up to seven days if a temporary custody hearing, pursuant to § 26-7A-14, is held within twenty-four hours of the child being placed in a detention facility.

SDCL 26-8C-3 outlines the conditions of release or temporary custody for consideration by the intake officer for an alleged delinquent child:

26-8C-3. Release -- Placement in shelter -- Circumstances warranting detention. An apparent or alleged delinquent child taken into temporary custody by a law enforcement officer prior to a temporary custody hearing shall be released to the child's parents, guardian, or custodian unless the parents, guardian, or custodian cannot be located or in the judgment of the intake officer are not suitable to receive the child, in which case the child shall be placed in shelter. A child may not be placed in detention unless the intake officer finds that the parents, guardian, or custodian are not available or are not suitable to receive the child, and finds at least one of the following circumstances exists:

- (1) The child is a fugitive from another jurisdiction;
- (2) The child is charged with a violation of § 22-22-7, a crime of violence under subdivision 22-1-2(9) or a serious property crime, which, if committed by an adult, would be a felony;
- (3) The child is already held in detention or on conditional release in connection with another delinquency proceeding;
- (4) The child has a demonstrable recent record of willful failures to appear for juvenile court proceedings;
- (5) The child has a demonstrable recent record of violent conduct;
- (6) The child has a demonstrable recent record of adjudications for serious property offenses;

- (7) The child is under the influence of alcohol, inhalants, or a controlled drug or substance and detention is the least restrictive alternative in view of the gravity of the alleged offense and is necessary for the physical safety of the child, the public, and others; or
- (8) The child has failed to comply with court services or a court ordered program.

The shelter or detention authorized shall be the least restrictive alternative available.

d) Temporary Custody Hearing

If the intake officer does not release the child, a temporary custody hearing must be held within 24 hours for CHINS and 48 hours for delinquents, exclusive of holidays and weekends. At the temporary custody hearing, the court considers the evidence for needed continued temporary custody of the child, in keeping with the best interests of the child. The temporary custody hearing may be conducted telephonically, when necessary as determined by the court.

SDCL 26-7A-20 describes the conditions of release or continued temporary custody for consideration at the temporary custody hearing by the judge for an alleged child in need of supervision:

26-7A-20. Release of child in need of supervision after temporary custody hearing -- Exceptions. If the child is an apparent, alleged, or adjudicated child in need of supervision, after the temporary custody hearing the court shall release the child from temporary custody to the child's parents, guardian, or custodian, with or without restriction or condition or upon written promise of the parents, guardian, or

custodian regarding care and supervision of the child, unless the court finds that the child should continue to be held in temporary custody for any of the following reasons:

- (1) The child has failed to comply with court services or a court-ordered program;
- (2) The child is being held for another jurisdiction as a parole or probation violator, as a runaway, or as a child under other court-ordered detention;
- (3) The child has a demonstrated propensity to run away from the child's home, from court-ordered placement outside of the child's home, or from agencies charged with providing temporary care for the child;
- (4) The child is under court-ordered home detention in this jurisdiction;
- (5) There are specific, articulated circumstances which justify the detention for the protection of the child from potentially immediate harm to the child's self or to others; or
- (6) The child is a material witness, the detention is necessary because of implications of tampering with the child, and an affidavit so stating is filed with the court.

An apparent, alleged, or adjudicated child in need of supervision may not be placed in detention for longer than twenty-four hours after the temporary custody hearing unless the child has been accused of or has been found in violation of a valid court order.

SDCL 26-7A-21 outlines the conditions of release or continued temporary custody for consideration at a temporary custody hearing by the judge for an alleged delinquent child.

26-7A-21. Release of delinquent child after temporary custody hearing -- Exceptions. If the child is an apparent, alleged, or adjudicated delinquent child, after the temporary custody hearing the court shall release the child from temporary custody to the child's parents, guardian, or custodian, with or without restriction or condition or upon written promise of the child's parents, guardian, or custodian regarding the custody and supervision of the child and the subsequent appearance of the child in court at a time, date, and place to be determined by the court, unless the court finds that the child should continue to be held in temporary custody of court services for any of the following reasons:

- (1) The child is a fugitive from another jurisdiction;
- (2) The child is charged with a violation of § 22-22-7, a crime of violence under subdivision 22-1-2(9) or a property crime, which, if committed by an adult, would be a felony;
- (3) The child is already held in detention or on conditional release in connection with another delinquency proceeding;
- (4) The child has a demonstrable recent record of willful failures to appear at juvenile court proceedings;
- (5) The child has a demonstrable recent record of violent conduct;
- (6) The child has a demonstrable recent record of adjudications for serious property offenses;
- (7) The child is still under the influence of alcohol, inhalants, or a controlled drug or substance; or
- (8) The child has failed to comply with court services or a court ordered program.

e) Temporary Custody Options

Three options exist for holding juveniles on a temporary custody basis. First, juveniles may be held in shelter facilities, which are physically unrestricting homes or facilities for the temporary care of a child. Second, juvenile detention centers hold delinquent children and children in need of supervision under conditions and limitations outlined in the previous section of this document. Third, adult jails may be used as options for temporary custody where the following restrictions are not violated.

λ Abused & Neglected Child

No apparent, alleged, or adjudicated abused or neglected child may be securely detained at any time in a jail, lockup, or in any type of detention or temporary care facility containing adult prisoners.

λ Child in Need of Supervision

An apparent, alleged, or adjudicated child in need of supervision may not be securely detained in a jail, lockup, or in any type of detention or temporary care facility containing adult prisoners except for approved collocated detention centers as defined in § 26-7A-1 and as authorized in § § 26-8B-3, 26-8B-6, and 26-7A-20.

λ Delinquents

An apparent or alleged delinquent child may be held in an adult lockup or jail for up to six hours for purposes of identification, processing, interrogation, and transfer to juvenile facility, or release to parents if the child is sight and sound separated from adult prisoners.

λ Exceptions

In any area not designated as a metropolitan statistical area by the United States Bureau of Census, an apparent or alleged delinquent

child may be held in an adult lockup or jail for up to forty-eight hours. This is excluding holidays and weekends or until the temporary custody hearing, whichever is earlier, if the facility has been certified by the Department of Corrections as providing sight and sound separation of juveniles from adults and if no suitable juvenile facility is available.

λ Children Transferred to Adult Court

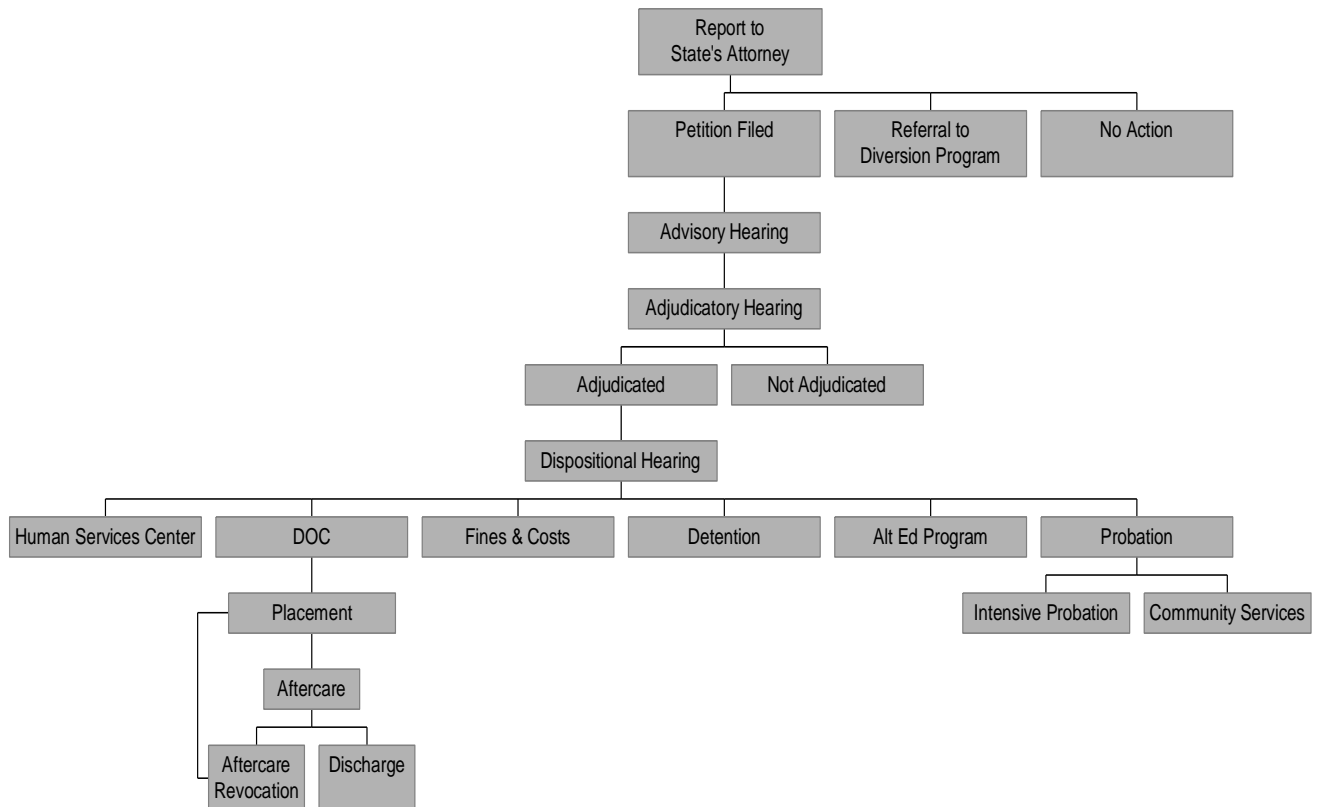
A child who has been transferred to adult court pursuant to § 26-11-4 or a child who is being tried in circuit court as an adult pursuant to §26-11-3.1 may be held in an adult lockup or jail if physically separated from adult prisoners. A child who has attained the age of majority who is under the continuing jurisdiction of the court may be held in an adult jail or lockup.

A child under the age of eighteen years who has been transferred to adult court pursuant to § 26-11-3.1 or 26-11-4 and who has been convicted of a felony as an adult may be held in an adult jail or lockup.

2. Petition, Adjudication, and Disposition Flow Chart

The following system flow chart depicts petition, adjudication and disposition stages of the juvenile justice system.

Petition, Adjudication and Disposition Flowchart



a) Report to States Attorney

Law enforcement is required to file a report with the State's Attorney whenever a child is taken into temporary custody. Law enforcement or other persons may make a report to the State's Attorney if it appears that the child may be under the purview of the abuse and neglect, child in need of supervision, or delinquent statutes.

b) Investigation by State's Attorney

When a state's attorney is informed by a law enforcement officer or any other person that a child is, or appears to be, within the purview of SDCL 26-7A-10 and chapter 26-8A, 26-8B, or 26-8C, the state's attorney makes a preliminary investigation to determine whether further action should be taken. Based on the preliminary investigation, the state's attorney may take the following actions:

- (1) Decide that no further action is required;
- (2) If the report relates to an apparent abused or neglected child and if additional information is required, refer the matter to the Department of Social Services for further investigation and recommendations;
- (3) If the report relates to an apparent child in need of supervision or an apparent delinquent child, refer the matter to a court services officer for any informal adjustment to the supervision of the court that is practicable without a petition or refer the matter to a court-approved juvenile diversion program for any informal action outside the court system that is practicable without the filing of a petition; or
- (4) File a petition to commence appropriate proceedings.

c) Informal Adjustment/Diversion Program

Informal adjustment is an alternative to adjudication and provides the alleged child in need of supervision or alleged delinquent youth the opportunity to follow a written plan under the supervision of a Court Services Officer. If the plan is completed, no petition will be filed. However, failure to complete the conditions of the informal adjustment may lead to a petition being filed.

A diversion program is a court-approved program generally operated by a local private provider. Diversion programs focus on educating the child about the impact of his or her behaviors. Law related education and teen court programs are examples of diversion programs. Many diversion programs are offense specific, such as alcohol resistance programs, shoplifter programs, and vandalism programs.

d) Petition Filed

A state's attorney may file with the clerk of courts a written petition alleging a child, located or residing in the county, to be an abused or neglected child, a child in need of supervision, or a delinquent child, as defined by SDCL 26-7A-13 or chapter 26-8A, 26-8B, or 26-8C. The petition will include the following:

- (1) The child's name, date of birth, and residence;
- (2) The names and residences of the child's parents, guardian, or custodian, or, if not known, of the child's nearest known relatives;
- (3) A statement of the facts that bring the child within the court's jurisdiction;
- (4) A request that the court adjudicate the child to be an abused or neglected child, a child in need of supervision or a delinquent child, according to applicable statutory definitions, and that appropriate proceedings be conducted regarding adjudication and disposition; and
- (5) A statement as to whether or not the Indian Child Welfare Act appears to be applicable.

- (6) Two or more children having one or more common parent, guardian, or custodian and a common home environment may be included in the same petition.
- (7) If the petition alleges a child to be an abused or neglected child, the petition will recite that the action is brought by the state on behalf of the South Dakota Department of Social Services. Petitions filed regarding an alleged child in need of supervision or a delinquent child will be filed on behalf of the state.
- (8) Affidavits of social workers of the Department of Social Services, law enforcement officers, or court services officers may be incorporated by reference as part of the petition.
- (9) The child's parents, guardian, or custodian, as applicable, will be included as named respondents in the petition.
- (10) The petition may be made upon information and belief. If a party other than a state's attorney signs the petition, the petition will be verified.

e) Indian Child Welfare Act

The federal Indian Child Welfare Act (ICWA) requires state prosecutors, courts, and governmental agencies to follow specific procedures when dealing with Native American children in abuse and neglect and status offender proceedings. In the South Dakota juvenile justice system, the ICWA applies to alleged and adjudicated CHINS.

State's Attorneys are required to provide notice to Tribes when Native American children are facing CHINS proceedings. The Tribe is provided the opportunity to have the case transferred to Tribal Court or to participate in the state proceedings. Placement preferences for CHINS covered by ICWA are also prescribed.

f) Advisory Hearing

According to SDCL 26-7A-54, the advisory hearing is the initial hearing conducted by the court to inform the child and the child's parents, guardian, custodian, or other interested parties of their statutory and constitutional rights.

On appearance of the parties pursuant to summons or at any adjournment or continuance of an appearance, the court conducts an advisory hearing before the adjudicatory hearing on the petition, as follows:

(1) The court will first:

- (a) Ascertain the need for any joiner or deletion of parties, determine true names and addresses of parties and their relationships to the child, and determine the true name, date and place of birth, address, and custodial status of the child;
- (b) Advise the parties of the nature of the proceedings, the allegations contained in the petition, the burden of proof of the state and the constitutional and statutory rights of the parties; and
- (c) Advise the parties of their rights to be represented by attorneys and requirements for a court-appointed attorney, if appropriate, and, if requested by any party or if required by the court, the court may adjourn and continue the advisory hearing to a time, date, and place set by the court to afford opportunity for parties to consult with their attorneys; and

(2) The court will then receive the answer, response, denial, or admission of the parties and, if appropriate, of the child as follows:

- (a) If the petition alleges the child to be abused or neglected, the parents, guardian, or custodian of the child may admit the

allegations contained in the petition and the court may accept the admissions if the court is satisfied that there is a factual basis for them;

- (b) If the petition alleges a child to be in need of supervision, parents, guardian, or custodian of the child and the child may admit the allegations contained in the petition and the court may accept the admissions if the court is satisfied that there is a factual basis for them;
- (c) If the petition alleges the child to be delinquent, the child may admit the allegations contained in the petition and the court may accept the admission if the court is satisfied that there is a factual basis for them.

If all necessary parties admit the allegations contained in the petition and the court accepts the admissions, the court may find, conclude, and make a decision as to the adjudication of the child under the applicable provisions of chapter 26-8A, 26-8B, or 26-8C. If all parties concur, the court may then proceed with the dispositional phase of the proceedings without conducting a formal adjudicatory hearing on the petition. However, at the request of any party or if required by the court, the court will set a later time and date for the dispositional hearing. The court will then determine interim dispositional arrangements concerning the child and the parties.

If the petition is not admitted by all necessary parties, including the child, or if the petition is denied by any necessary party or the child, the court will proceed with the adjudicatory hearing on the petition or schedule the adjudicatory hearing for a later time and date.

If the advisory hearing is adjourned and continued or if the advisory hearing is completed and the adjudicatory hearing on the petition is scheduled for a

later time and date, the court will make an interim order regarding temporary custody of the child as determined by the court.

g) Adjudicatory Hearing

As per SDCL 26-7A-82, following an advisory hearing on a petition, the court conducts an adjudicatory hearing. The court considers whether the allegations of the petition are supported by clear and convincing evidence concerning an alleged abused or neglected child or whether the allegations of the petition are supported by evidence beyond a reasonable doubt concerning an alleged child in need of supervision or an alleged delinquent child. This is comparable to the trial for an adult.

In reference to SDCL 26-7A-86, adjudicatory hearings are conducted in accordance with rules of civil procedure. If the court finds that 1) the allegations of the petition or amended petition are not supported by clear and convincing evidence in cases concerning an alleged abused or neglected child; or 2) are not supported by evidence beyond a reasonable doubt in cases concerning an alleged child in need of supervision or an alleged delinquent child, the court will then enter a final order accordingly and the action will be terminated. In the case of an alleged abuse, or neglected child, the court will enter findings and conclusions in addition to the final order. On termination of the action, the child, the child's parents, guardian, or custodian and other parties respondent will be released from any restriction or temporary order previously issued by the court and from the jurisdiction of the court. The final order terminating the action is an appealable order of the court by the state or by any alleged abused or neglected child or any party respondent not in agreement with the nonadjudication of the alleged abused or neglected child and resulting termination of the action.

In accordance with SDCL 26-7A-87, if the court finds the allegations of the petition are supported by clear and convincing evidence, in cases concerning an alleged abused or neglected child, or are supported by evidence beyond a reasonable doubt, in cases concerning an alleged child in need of supervision or an alleged delinquent child, the court adjudicates the child accordingly and issues findings of fact, conclusions of law, and an order of adjudication stating the child to be an abused or neglected child as defined in chapter 26-8A, a child in need of supervision as defined in chapter 26-8B, or a delinquent child as defined in chapter 26-8C. The order of adjudication is an intermediate order and is subject to intermediate appeal with the permission of the court according to the rules of procedure governing civil appeals.

SDCL 26-7A-87 describes that the court then proceeds with the dispositional phase of the proceedings and issues an order setting the time, date, and place of the initial dispositional hearing and prescribing notice of the hearing. However, the court may proceed immediately with the initial dispositional hearing with the consent of the state, the child and the child's parents, guardian, or custodian or other parties who are respondents in the action.

On completion of the adjudicatory hearing resulting in adjudication of the child, the court may issue an interim dispositional decree governing custody, placement, care, shelter, or detention of the child as determined by the court pending the initial dispositional hearing and any continuance of it. (Source:

h) Dispositional Hearing

The dispositional hearing is a hearing after adjudication at which the court makes an interim or final decision in the case. This is comparable to the

sentencing hearing for an adult. Dispositional hearings are tried to the court and are conducted and designed to inform the court fully of the exact status of the child and to ascertain the history, environment, and past and present physical, mental, and moral condition of the child and of the child's parents, guardian, or custodian.

SDCL 26-7A-88 explains that after adjudication of a child as an abused or neglected child, a child in need of supervision, or a delinquent child and before final disposition of the case, the court may require the following examinations, investigations, and reports of them:

- (1) The court may order the child's parents, guardian, custodian, any other party respondent, or any relative of the child who might be considered as a potential caretaker of the child on disposition to submit to psychological, psychiatric or medical examination and evaluation by a qualified mental health professional or physician and submit the report to the court. The court may issue an order on the motion of the state, the child, any interested party, or on the court's own motion. The order directing the examination and evaluation will state the time, place, manner, conditions, and scope of the examination and evaluation to be made and the person or persons by whom it is to be made; and
- (2) The court may order home study investigations and reports of the investigations submitted to the court concerning the child's parents, guardian, custodian, any other party respondent, or relative of the child who might be a potential caretaker of the child on disposition. The order for a home study investigation and a report of the investigation will generally state the conditions and scope of the investigation considered necessary or appropriate by the court under the circumstances.

According to SDCL 26-7A-90, at the dispositional hearings the court considers evidence regarding proper disposition of the child best serving the interests of the child with due regard to the rights and interests of the child's parents, guardian, custodian, other parties respondent, the public, and the state. Dispositional evidence may include social study reports, mental and medical examination and evaluation reports, home study investigation reports, and any other evidence related to appropriate disposition of the child.

Following the dispositional hearing, the court may issue an interim decree of disposition. During the dispositional phase, the court balances the rights and interests of the child and the respective parties, including the public and the state.

On completion of the final dispositional hearing, the court issues findings of fact, conclusions of law, and a final decree of disposition. The decree will be the final order of the court for the purpose of an appeal by any party according to the rules of procedure governing civil appeals.

i) Dispositional Options CHINS

As per SDCL 26-8B-6, if a child has been adjudicated as a child in need of supervision, the court enters a decree of disposition according to the least restrictive alternative available in keeping with the best interests of the child. The decree will contain one or more of the following alternatives:

- (1) The court may place the child on probation or under protective supervision in the custody of one or both parents, guardian, custodian, relative, or another suitable person under conditions imposed by the court;

- (2) The court may require as a condition of probation that the child report for assignment to a supervised work program, provided the child is not placed in a detention facility and is not deprived of the schooling that is appropriate to the child's age, needs, and specific rehabilitative goals. The supervised work program shall be of a constructive nature designed to promote rehabilitation, shall be appropriate to the age level and physical ability of the child, and shall be combined with counseling by a court services officer or other guidance personnel. The supervised work program assignment shall be made for a period of time consistent with the child's best interests, but may not exceed ninety days;
- (3) If the court finds that the child has violated a valid court order, the court may place the child in a detention facility for not more than ninety days, which may be in addition to any period of temporary custody, for purposes of disposition if:
 - (a) The child is not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative goals;
 - (b) The child had a due process hearing before the order was issued; and
 - (c) A plan of disposition from a court services officer is provided to the court;
- (4) The court may require the child to pay for any damage done to property or for medical expenses under conditions set by the court if payment can be enforced without serious hardship or injustice to the child;
- (5) The court may commit the child to the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center pursuant to chapter 26-11A. Prior to placement in a juvenile correctional facility, an interagency team comprised of representatives from the Department of Human Services, Department of Social Services,

Department of Education, the Department of Corrections, and the Unified Judicial System shall make a written finding that placement at a Department of Corrections facility is the least restrictive placement commensurate with the best interests of the child. Subsequent placement in any other Department of Corrections facility may be authorized without an interagency review;

- (6) The court may place a child in an alternative educational program;
- (7) The court may order the child to be examined and treated at the Human Services Center;
- (8) The court may impose a fine not to exceed five hundred dollars;
- (9) The court may order the suspension or revocation of the child's driving privilege or restrict the privilege in such manner as the court sees fit or as required by § 32-12-52.4, including requiring that financial responsibility be proved and maintained;
- (10) The court may assess or charge the same costs and fees as permitted by §§ 16-2-41, 23-3- 52, 23A-27-26, and 23A-27-27 against the child, parent, guardian, custodian, or other party responsible for the child.

No adjudicated child in need of supervision may be incarcerated in a detention facility except as provided in subdivision (3) or (5) of this section.

j) Dispositional Options Delinquents

SDCL 26-8C-7 states that if a child has been adjudicated as a delinquent child, the court then enters a decree of disposition according to the least restrictive alternative available, in keeping with the best interests of the child. The decree will contain one or more of the following alternatives:

- (1) The court may make any one or more of the dispositions in § 26-8B-6, except that a delinquent child may be incarcerated in a detention facility established pursuant to provisions of chapter 26-7A for not more than ninety days, which may be in addition to any period of temporary custody;
- (2) The court may impose a fine not to exceed one thousand dollars;
- (3) The court may place the child on probation under the supervision of a court services officer or another designated individual. The child may be required as a condition of probation to report for assignment to a supervised work program, provided the child is not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative goals. The supervised work program shall be of a constructive nature designed to promote rehabilitation, appropriate to the age level and physical ability of the child, and shall be combined with counseling by the court services officer or other guidance personnel. The supervised work program assignment shall be made for a period of time consistent with the child's best interests, but for not more than ninety days;
- (4) The court may place the child at the Human Services Center for examination and treatment;
- (5) The court may commit the child to the Department of Corrections;
- (6) The court may place the child in a detention facility for not more than ninety days, which may be in addition to any period of temporary custody;
- (7) The court may place the child in an alternative educational program;
- (8) The court may order the suspension or revocation of the child's driving privilege or restrict the privilege in such manner as it sees fit, including requiring that financial responsibility be proved and maintained;

- (9) The court may assess or charge costs and fees permitted by §§ 16-2-41, 23-3-52, 23A-27- 26, and 23A-27-27 against the child, parent, guardian, custodian, or other party responsible for the child.

k) Other Juvenile Court Provisions

▪ Confidentiality

Court and law enforcement records of children are confidential but may be released to agencies having a legitimate need for the information as authorized by the court. Juvenile court proceedings are closed to public and media unless opened by the court or unless it involves a crime of violence. Victims of alleged delinquents may attend the hearings for the alleged delinquent.

▪ Rights

Children, parents, and guardians or custodians subject to abuse and neglect, child in need of supervision, or delinquent proceedings have the right to be represented by an attorney and the court will appoint an attorney if the party is without the means to pay for representations. Respondents have the rights to receive notice of hearings, a motion for a new rehearing and if the motion is denied, appeal under the appellate procedure, testify and present evidence, and question witnesses and confront evidence.

▪ Attendance at Hearings

Respondents are provided notice of hearings and summons to appear. Failure to appear or produce the child at hearings without good cause may be grounds for civil contempt of court.

- Parental Support

The child's parents' duty to support the child continues if the child is placed in the custodial care of the Department of Social Services or another department or agency of the state. The costs of custodial care for a child and related fees are due and payable by the child's parents on demand by the Department of Social Services or other custodial department or agency of the state or by the county.

- Order of Protection

According to SDCL 26-7A-107, the court may make an order of protection in assistance of, or as a condition of, any decree of disposition authorized by this chapter or chapter 26-8A, 26-8B, or 26-8C. The order of protection may set forth reasonable conditions of behavior to be observed for a specified period by the child's parents, guardian, custodian, or any other person who is a party to such proceedings. The order of protection may require any concerned person or party:

- (1) To stay away from a child or the child's home;
- (2) To permit a parent or other person to visit a child at stated periods and places, with or without supervision;
- (3) To abstain from offensive conduct against a child or the child's parents, guardian, custodian, or any other person having custody or temporary care of the child;
- (4) To give proper attention to the care, maintenance, and supervision of the child, and the child's home;
- (5) To cooperate in good faith with the Department of Social Services, court services, or any other agency which has been given custody or temporary custody of a child, which is providing protective supervision or probation supervision of a child pursuant to court order, or to which the child has been referred by the court;

- (6) To refrain from acts of commission or omission that tend to make a home an improper place for a child;
- (7) To pay child support and all statutory fees and costs related to expenses incurred on behalf of the child, or any portion of them, as determined by the court;
- (8) To cooperate with and participate in any physical or mental examination or evaluation, counseling, treatment, therapy, or childcare or parenting classes considered necessary by the court for the benefit of the child;
- (9) To take all reasonable steps necessary to insure the child's regular school attendance;
- (10) To eliminate the specific conditions constituting or contributing to the problems which led to juvenile court action; and
- (11) To take all reasonable steps necessary to insure the child's completion of court-ordered sanctions, treatment, therapy, counseling, or rehabilitation.

After notice and opportunity for a hearing is given to any person or party subject to an order of protection, the order may be terminated, modified, or extended for a specified period of time if the court finds it in the best interests of the child, the public, and the state. This provision is in addition to, and not a limitation of, § § 26-7A-107.1 and 26-7A-107.2.

1) Probation – Probation Revocation

SDCL 26-8C-14 states that the terms, conditions, and duration of probation of a child in need of supervision or delinquent child are specified by rules or orders of the court and by court services. Each child placed on probation is given a written statement of the terms and conditions of probation. The terms and conditions are fully explained to the child.

The court reviews the terms and conditions of probation and the progress of each child placed on probation at least once every six months. The court may release a child from probation or modify the terms and conditions of the child's probation at any time, but any child who has complied satisfactorily with the terms, conditions, and duration of probation is be released from probation and the jurisdiction of the court terminated.

As per SDCL 26-8B-9, the following provisions apply if the child is alleged to have violated the terms and conditions of probation:

- (1) The court is to set a hearing on the alleged violation and is to give five days notice to the child, to the child's parents, guardian, or custodian, and to any other parties to the proceedings;
- (2) The child and the child's parents, guardian, or custodian are given a written statement concerning the alleged violation;
- (3) The child may be represented by legal counsel at the probation violation hearing and the child is entitled to the issuance of compulsory process for the attendance of witnesses;
- (4) If the court finds by a preponderance of the evidence that the child violated the terms and conditions of probation, the court may modify the terms and conditions of probation, revoke probation, or take other action permitted by this chapter or chapter 26-7A, according to the least restrictive alternative which is in the best interests of the child, the public, and the state;
- (5) If the court finds that the child did not violate the terms and conditions of probation as alleged, the court may dismiss the proceedings and continue the child on probation under the terms and conditions previously prescribed.

m) Commitment to the Department of Corrections

At the dispositional hearing for an adjudicated child in need of supervision or a delinquent child, the judge may commit the child to the Department of Corrections for out-of-home placement. In order to commit the child to the Department of Corrections, the judge must find that all efforts have been made to prevent the out-of-home placement of the child and that remaining in the home is not in the child's best interest. Children are committed until they reach the age of 21 unless discharged sooner by the Department of Corrections. The Secretary of the Department of Corrections is named in the dispositional order as the child's guardian.

At the time of commitment, the child is assigned a Juvenile Corrections Agent. The child remains on the Agent's caseload until discharge or transferred to another Agent. Through an intake, assessment, and classification process, the Department places the child in a program that meets the child's needs and security level.

The Department of Corrections operates five separate and distinct residential programs (two for females and three for males) at the STAR Academy. The Department also contracts with private group and residential treatment facilities both in South Dakota and out of state.

Once juveniles complete their program and are recommended for release, juveniles are placed under the aftercare supervision of their Juvenile Corrections Agent. The child, the child's parent or custodian and the Agent sign an aftercare contract that outlines the conditions of the child's behavior and the services the child and/or family will access. The child's aftercare may be revoked if the child violates the conditions of the aftercare contract. An administrative due process procedure is utilized to determine if the child's aftercare should be revoked.

II. Analysis of Juvenile Crime Problems and Juvenile Justice Needs

A. Analysis of Juvenile Crime Problems

1. Arrest

Arrest data is published by the Statistical Analysis Center of the Attorney General's Office. The 2009 Crime in South Dakota Report includes juvenile arrests reported by 121 law enforcement agencies that cover 95% of the State's population as reported by 52 Sheriff's Offices, 68 Police Departments, and the Division of Criminal Investigation.

According to the 2009 Crime in South Dakota report, the state of South Dakota recorded 54,239 offenses.

Under the current reporting practices there are two categories of arrests. Group A accounts for 64.0% (34,720) of the total offenses and include crimes against persons, crimes against property, and crimes against society. There were 6,704 arrests of juvenile where they committed Group A offenses. The most common Group A offenses for juveniles were shoplifting, vandalism, and simple assault.

Group B offenses account for 36.0% (19,509) of total offenses and include all crimes not recorded within Group A offenses. There were 3,753 juvenile arrests for Group B offenses. The most common Group B offenses for juveniles were liquor law violations followed by running away.

For the 2009 Crime in South Dakota Report, the Statistical Analysis Center of the Attorney General's Office recorded 6,704 incidents of juvenile arrests classified as Group A Offenses and 3,753 incidents of juvenile arrests classified as Group B Offenses. The following table outlines the 2009 unduplicated

incidents juvenile offenders as provided by a download from the Statistical Analysis Center.

Summary of Juvenile Arrest Information															
	2003		2004		2005		2006		2007		2008		2009		2003-2009
Percent Population Covered	95%		91%		92%		92%		92%		92%		95%		—
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	% Change
Crime Category	8570		7828		7704		5588		5737		6082		7243		15%
Crimes Against Persons	553	6%	567	7%	605	8%	377	7%	536	9%	544	9%	619	9%	-12%
Property Crimes	1898	22%	1787	23%	1502	19%	985	18%	1198	21%	1617	27%	1939	27%	-2%
Drug Offenses	657	8%	436	6%	501	7%	431	8%	490	9%	548	9%	667	9%	-2%
Alcohol Offenses	1966	23%	1682	21%	1707	22%	1607	29%	1679	29%	1682	28%	1913	26%	3%
Other Offenses	3496	41%	3356	43%	3389	44%	2188	39%	1834	32%	1691	28%	2105	29%	40%
Crime Type	8570		7828		7704		5588		5737		6082		7243		15%
Status Offenses	2726	32%	2351	30%	2706	35%	2491	45%	2329	41%	2578	42%	1801	25%	34%
Delinquent Offenses	5844	68%	5477	70%	4998	65%	3097	55%	3408	59%	3504	58%	5442	75%	7%
Sex	8570		7828		7704		5588		5737		6082		7243		15%
Male	5338	62%	4858	62%	4634	60%	3424	61%	3669	64%	3723	61%	4308	59%	19%
Female	3232	38%	2970	38%	3070	40%	2164	39%	2068	36%	2359	39%	2935	41%	9%
Race	8570		7828		7704		5588		5719		6082		7243		15%
White	5744	67%	5196	66%	5216	68%	3746	67%	3512	61%	3650	60%	4163	57%	28%
Native American	2521	29%	2361	30%	2144	28%	1537	28%	1922	34%	1844	30%	2158	30%	14%
Asian	43	1%	50	1%	63	1%	63	1%	26	0%	33	1%	59	1%	-37%
Black	262	3%	221	3%	281	4%	242	4%	171	3%	198	3%	273	4%	-4%
Hispanic*	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	277	4%	0%
Other	0	0%	0	0%	0	0%	0	0%	88	2%	357	6%	313	4%	0%
Sources: 2003-2007 SD Crime in SD Report 2008-2009 DCI data download Began breaking out Hispanic in 2009 data															

Since 2003, juvenile arrests have increased by 15%. The largest increase was in the “Other” category (increased 40%), male offenders (increased 19%), and white offenders (increase 28%). There was a 19% increase in juvenile arrests from 2008 to 2009.

In an effort to ensure that complete and accurate information is obtained to support DMC monitoring, local arrest information was collected directly from law enforcement agencies in the DMC intervention sites.

Juvenile Arrests (Compiled for DMC)		
	2009	
	Minnehaha	Pennington
Asian		12
Black	189	42
Hispanic	84	-
Native American	358	1135
White	1142	962
Other/Unknown	21	3
Total	1794	2154

2. Juvenile Court Referral Data

The number of juvenile referrals represents the number of youth less than eighteen years of age referred to the Unified Judicial System (UJS) by the state's attorney. Based on information obtained from the S.D. Kids Count Factbook, statewide adjudicatory actions decreased 17.5% since a peak of 6491 actions in SFY 2008 and there was a 131.6% decrease in non-adjudicatory actions during that same time period. This also shows that the overall activity of the juvenile courts decreased by 34.7% between SFY 2008 and SFY 2010.

Juvenile Court Actions by Fiscal Year					
	2008	2009	2010	2011	% Change '08-'11
Adjudicated	6491	6085	6129	5525	-17.5%
Non-Adjudicated	2279	1729	1074	984	-131.6%
Total	8770	7814	7203	6509	-34.7%
Source: South Dakota Kids Count Factbook					

It should be noted that non-adjudicatory actions are actually higher than indicated in the table as some diversion programs operated by States Attorneys are not included in the non-adjudicatory actions above.

3. Juvenile Court Cases Handled

a) Unified Judicial System

The following table reflects the Court Service activities from state fiscal year 2004 to fiscal year 2011. It should be noted that diversion numbers indicated below do not include some diversions made directly by States Attorneys. These diversions have increased because of the availability of Juvenile Accountability Block Grant funds that are frequently used to operate Teen Court and other diversion programs.

Court Service Activities					
	FY'08	FY'09	FY'10	FY'11	%Change FY'08-'11
Juvenile Pre-hearing Social Case Study	702	673	652	588	-19.4%
Placed on Probation	3096	2832	2915	2800	-10.6%
On Probation End of FY	2110	1903	1995	2173	3.0%
Placed in 90 Day Diversion	851	840	719	648	-31.3%
Placed in Case Monitoring	399	602	561	454	12.1%
Active Case Monitoring end of FY	236	364	336	336	29.8%
Added During FY	5048	4947	4847	4490	-12.4%
Active End of FY	2558	2493	2542	2331	-9.7%
Source: UJS Fiscal Year Report					

The following table provides Court Services activity information for FY2011 by Circuit Court. Approximately 58% of the probationary activities of the Court occur within the Second and Seventh Circuits. South Dakota's two largest cities and the only metropolitan statistical areas, Sioux Falls (Minnehaha County) and Rapid City (Pennington County), are located in the Second and Seventh Circuits, respectively. Once again, the diversion services numbers appear to be under reported due to some diversion programs operate outside of the formal juvenile court system. This is especially true of the diversion numbers for the Seventh Circuit.

Court Services Activities – FY 2011								
SERVICE CATEGORIES	First Circuit	Second Circuit	Third Circuit	Fourth Circuit	Fifth Circuit	Sixth Circuit	Seventh Circuit	State
Juvenile Service:								
Prehearing Social Case Study	74	174	32	69	52	85	102	588
Informal Diversion	168	210	155	17	44	29	25	648
Placed on Probation	340	1,009	269	127	299	131	625	2,800
On Probation at End of FY	261	929	142	139	226	123	353	2,173
Restitution Received								\$238,321
Case Service Monitoring:								
Placed in Program During FY	7	388	55	-	-	3	1	454
Active Cases at End of FY	4	345	10	-	-	1	1	361
Interstate Compact Cases - In	2	3	1	5	1	-	5	17
Interstate Compact Cases - Out	4	25	2	5	1	2	1	40
Source: Unified Judicial System Trial Court Services								

b) Diversion Programs

In addition to court initiated diversion, the State's Attorney can also initiate diversions and operate diversion programs. These programs operate in order to reduce the number of first time offenders exposed to the juvenile court system, assess and provide services to meet the needs of these offenders and their families, and hold juveniles accountable for their actions. Options available for diversion include:

- λ Community Service hours
- λ Essays and reports
- λ Restrictions (curfew, contact with peers, driver's license, etc.)
- λ Educational classes
- λ Restitution

The following is a summary of diversion and teen court programs. Please note that the numbers of diversions listed do not include all diversions in locales where the State's Attorney initiates diversions.

Diversion Programs CY2010														
	Minnehaha		Pennington		Brown		Lawrence		Central SD		UJS		Total	
Sex	137		843		117		82		86		227		1492	
Female	69	50%	389	46%	56	48%	23	28%	36	42%	105	46%	678	45.4%
Male	68	50%	454	54%	61	52%	59	72%	50	58%	122	54%	814	54.6%
Race	137		843		117		82		86		227		1492	
White	118	86%	159	19%	104	89%	78	95%	66	77%	168	74%	693	46.4%
Black	7	5%	2	0%	2	2%	0	0%	0	0%	21	9%	32	2.1%
Asian	0	0%	0	0%	2	2%	0	0%	0	0%	3	1%	5	0.3%
American Indian	11	8%	248	29%	9	8%	0	0%	18	21%	26	11%	312	20.9%
Hispanic	1	1%	0	0%	0	0%	4	5%	2	2%	0	0%	7	0.5%
Other/Missing	0	0%	434	51%	0	0%	0	0%	0	0%	9	4%	443	29.7%
Offense Type	137		843		116		100		96		227		1519	
Status	45	33%	486	58%	54	47%	21	21%	50	52%	144	63%	800	52.7%
Delinquent	92	67%	357	42%	62	53%	79	79%	46	48%	83	37%	719	47.3%
Completed Cases	132		843		64		74		85		0		1198	
Successful	124	94%	588	70%	50	78%	67	91%	84	99%	-	0%	913	76.2%
Unsuccessful	8	6%	255	30%	14	22%	7	9%	1	1%	-	0%	285	23.8%
*Information was obtained from individual programs and UJS.														

As identified above, in 2010, there were 1,492 cases diversion cases, 814 males (54.6%) and 678 females (45.4%). Participants by race include: 693 White (46.4%), 32 Black (2.1%), 5 Asian (0.3%), 312 American Indian (20.9%), 7 Hispanic (0.5%), and 443 Missing/Other/Unknown (29.7%). Excluding the Missing/Other/Unknown participants due to Pennington County having 51% in the category, the participant breakdown is 66.1% White, 3.1% Black, 0.5% Asian, 29.7% American Indian, and .07% Hispanic. Status offenses account for 52.7% of offenses while delinquent offences account for 47.3%. For those programs that successful completions are reported, South Dakota's diversion programs have a successful completion rate (juvenile complete the program requirements) of 76.2%.

In 2010, a total of 220 youth were referred to diversion services through the Minnehaha County State's Attorney Office. The numbers in the table above only include youth referred to the teen court program. There is no demographic data available for youth diverted

to the following three diversion programs who serve youth referred by the Minnehaha County State's Attorney's Office:

- λ Hocoka Diversion Program (Lutheran Social Services)
- λ RISE – Raising Integrity, Sensibility and Ethics (Boy Scouts)
- λ In School Diversion Officers (Axel Park and Whittier Middle Schools)

4. Juvenile Offenders in Detention and Jails

A significant amount of progress has been made in meeting the Formula Grant Program requirements since compliance legislation went into effect on July 1, 2003. The following information represents the changes from 2002 to 2010.

Summary of Compliance Monitoring Violation History					
CM Reporting Year	Deinstitutionalization of Status Offenders		Jail Removal		Separation
	Violations	Rate	Violations	Rate	Violations
2002	115	56.75	291	143.60	9
2003*	16	8.18	34	17.38	0
2004	9	4.60	5	2.56	1
2005	11	5.62	16	8.18	1
2006	7	3.72	6	3.19	1
2007	11	5.65	20	10.27	2
2008	6	3.05	4	2.03	0
2009	3	1.52	0	0.00	0
2010	0	0.00	0	0.00	0
* Data Projected from July through December 2003 admission.					

Between 2002 and 2004, there was a 92.2% decrease in Deinstitutionalization of Status Offenders (DSO) violations, a 98.3% decrease in Jail Removal violations, and an 88.9% decrease in Sight and Sound Separation violations. Since South Dakota began working towards compliance we have experienced few incidences of violations which we are typically able to address through advocacy, education of staff and ensuring that cases have appropriate screenings completed prior to admission.

a. Juvenile Detention Centers

The following table summarizes the admissions to juvenile detention centers within South Dakota for 2007 through 2010 by race, sex, and offense type.

Statewide Admissions to Juvenile Detention Facilities														
	Asian		Black		Hispanic		Native American		White		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2008	40	1%	218	8%	124	4%	745	27%	1597	58%	41	1%	2765	
Male	11	0%	147	5%	87	3%	370	13%	1034	37%	27	1%	1676	61%
Status	1	0%	10	0%	3	0%	39	1%	77	3%	5	0%	135	5%
Delinquent	10	0%	137	5%	84	3%	331	12%	957	35%	22	1%	1541	56%
Female	29	1%	71	3%	37	1%	375	14%	563	20%	14	1%	1089	39%
Status	10	0%	6	0%	10	0%	57	2%	97	4%	2	0%	182	7%
Delinquent	19	1%	65	2%	27	1%	318	12%	466	17%	12	0%	907	33%
2009	31	2%	126	6%	79	4%	630	32%	1085	55%	22	1%	1973	
Male	15	1%	81	4%	56	3%	349	18%	768	39%	18	1%	1287	65%
Status	2	0%	0	0%	5	0%	34	2%	52	3%	2	0%	95	5%
Delinquent	13	1%	81	4%	51	3%	315	16%	716	36%	16	1%	1192	60%
Female	16	1%	45	2%	23	1%	281	14%	317	16%	4	0%	686	35%
Status	2	0%	3	0%	9	0%	30	2%	46	2%	0	0%	90	5%
Delinquent	14	1%	42	2%	14	1%	251	13%	271	14%	4	0%	596	30%
2010	19	1%	179	7%	75	3%	849	36%	1219	51%	47	2%	2388	
Male	14	1%	126	5%	56	2%	503	21%	814	34%	47	2%	1560	65%
Status	2	0%	6	0%	7	0%	64	3%	140	6%	13	1%	232	10%
Delinquent	12	1%	120	5%	49	2%	439	18%	674	28%	34	1%	1328	56%
Female	5	0%	53	2%	19	1%	346	14%	405	17%	0	0%	828	35%
Status	2	0%	8	0%	8	0%	58	2%	76	3%	0	0%	152	6%
Delinquent	3	0%	45	2%	11	0%	288	12%	329	14%	0	0%	676	28%

In 2008, South Dakota had 2,765 juvenile admissions to juvenile detention centers. In 2009 this number decreased to 1,973 and then increased again to 2,388 in 2010. The number of admissions for status offenders admitted to detention has decreased 73% since South Dakota's renewed participation in 2004.

b. Adult Jails and Lockups

The following table summarizes the admissions to jails and lockups within South Dakota for 2008 through 2010 by race, sex, and offense type.

Statewide Jail & Lockup Admissions														
	Asian		Black		Hispanic		Native American		White		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2008	0	0%	0	0%	1	6%	11	69%	3	19%	1	6%	16	
Male	0	0%	0	0%	1	6%	7	44%	3	19%	0	0%	11	69%
Status	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delinquent	0	0%	0	0%	1	6%	7	44%	3	19%	0	0%	11	69%
Female	0	0%	0	0%	0	0%	4	25%	0	0%	1	6%	5	31%
Status	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delinquent	0	0%	0	0%	0	0%	4	25%	0	0%	1	6%	5	31%
2009	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	
Male	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Status	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delinquent	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Female	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Status	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delinquent	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
2010	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%	1	
Male	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%	1	100%
Status	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delinquent	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%	1	100%
Female	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Status	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Delinquent	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%

In 2008, South Dakota had 16 juvenile admissions to adult jails and lockups. This number decreased to 0 in 2009 and then they saw 1 in 2010. It should be noted that these numbers include all admissions and a majority of the cases in were not violations because they met the requirements of JJDPa exceptions.

5. Other Information Relevant to Delinquency Prevention Programming

a) Department of Corrections New Commitments

Judges may commit a youth to the Department of Corrections as a disposition for adjudication as a Child in Need of Supervision or a delinquent child. Upon commitment, the DOC places the youth in a facility or program that meets the needs of that specific juvenile. These needs are fulfilled through juvenile correction facilities,

residential treatment facilities, group care facilities, or foster care. The statewide breakdown for new commitments status, sex, age, and race for DOC New Commitments by fiscal year can be found in the following table.

Demographic Summary of New Juvenile Commitments									
	FY'08		FY'09		FY'10		FY'11		'08-'11 % Change
	#	%	#	%	#	%	#	%	
Commit Status	375		359		351		304		-23.4%
Status	36	10%	39	11%	36	10%	31	10%	-16.1%
Delinquent	339	90%	320	89%	315	90%	273	90%	-24.2%
Sex	375		359		351		304		
Male	270	72%	243	68%	267	76%	206	68%	-31.1%
Female	105	28%	116	32%	84	24%	98	32%	-7.1%
Age	375		359		351		304		
<10	0	0%	0	0%	1	0%	0	0%	-
10-12	11	3%	13	4%	10	3%	11	4%	0.0%
13-14	57	15%	54	15%	52	15%	40	13%	-42.5%
15	65	17%	74	21%	66	19%	49	16%	-32.7%
16	93	25%	89	25%	75	21%	73	24%	-27.4%
17	104	28%	93	26%	87	25%	84	28%	-23.8%
18 or over	45	12%	36	10%	60	17%	47	15%	4.3%
Race	375		359		351		304		
Asian	1	0%	3	1%	3	1%	5	2%	800.0%
Black	10	3%	20	6%	13	4%	13	4%	23.1%
Hispanic	15	4%	18	5%	14	4%	14	5%	-7.1%
Native American	155	41%	135	38%	116	33%	123	40%	-26.0%
Other	0	0%	0	0%	0	0%	0	0%	-
White	194	52%	183	51%	205	58%	149	49%	-30.2%

In FY 2011, DOC data reflects 304 new juvenile commitments. Of these commitments, 90% of juveniles are committed for delinquent behavior; 68% were male; 17% of juveniles were young offenders (14 and under); 40% were Native American; and all other minority races make up 11%.

The statewide breakdown for all new commitments, CHINS commitments, and young offender (14 and under) commitments can be found by county in the following table:

New Juvenile Commitments to DOC (By County)												
Young = 14 & Under	FY 2008			FY 2009			FY 2010			FY 2011		
	All	CHINS	Young	All	CHINS	Young	All	CHINS	Young	All	CHINS	Young
STATEWIDE	375	36	68	359	39	67	351	36	63	304	31	51
AURORA	0	0	0	1	1	0	0	0	0	0	0	0
BEADLE	14	2	3	14	2	1	11	1	2	13	2	4
BENNETT	9	0	0	0	0	0	10	0	0	4	0	1
BON HOMME	2	0	1	1	0	0	1	1	0	2	0	1
BROOKINGS	6	2	2	8	2	3	4	1	0	4	0	0
BROWN	15	1	2	24	2	5	18	3	4	14	2	1
BRULE	2	0	0	2	2	0	6	2	0	6	3	2
BUTTE	4	0	0	4	1	1	7	1	0	7	2	1
CHARLES MIX	17	2	2	11	1	3	14	3	4	12	2	2
CLARK	1	0	0	0	0	0	1	0	0	0	0	0
CLAY	4	0	0	1	0	0	3	0	0	6	0	0
CODINGTON	21	0	2	8	2	1	15	1	2	9	1	1
CORSON	0	0	0	1	0	0	0	0	0	0	0	0
CUSTER	4	2	0	8	1	2	5	0	2	2	0	0
DAVISON	22	8	5	13	6	0	13	6	3	6	3	0
DAY	4	0	0	3	0	0	3	0	0	2	0	1
DEUEL	2	0	1	0	0	0	0	0	0	0	0	0
DOUGLAS	0	0	0	0	0	0	1	0	0	0	0	0
EDMUNDS	3	0	0	0	0	0	1	0	0	0	0	0
FALL RIVER	1	0	0	2	0	1	3	0	1	3	0	0
FAULK	0	0	0	1	0	1	1	0	0	0	0	0
GRANT	4	0	0	2	0	0	3	0	1	0	0	0
GREGORY	1	0	0	1	0	0	3	1	0	2	0	0
HAAKON	0	0	0	1	0	0	0	0	0	0	0	0
HAMLIN	1	0	1	4	0	1	1	0	0	2	0	0
HANSON	1	0	0	0	0	0	0	0	0	0	0	0
HARDING	0	0	0	1	0	0	1	0	0	0	0	0
HUGHES	7	1	2	15	2	2	7	1	0	16	1	0
HUTCHINSON	0	0	0	2	0	0	5	2	2	2	1	0
JACKSON	1	0	0	1	0	0	0	0	0	0	0	0
JONES	0	0	0	0	0	0	0	0	0	1	0	0
KINGSBURY	0	0	0	0	0	0	0	0	0	1	1	0
LAKE	1	0	0	2	0	0	2	0	0	2	0	0
LAWRENCE	9	1	2	8	1	3	7	0	1	10	2	3
LINCOLN	7	1	1	7	0	0	8	0	1	5	1	2
MARSHALL	1	0	0	1	0	0	1	0	0	1	0	0
MCCOOK	0	0	0	1	1	0	1	0	0	1	1	0
MCPHERSON	0	0	0	0	0	0	2	0	1	1	0	0
MEADE	8	0	1	10	1	4	14	2	3	10	0	1
MELLETTE	2	0	0	2	1	0	3	0	2	2	0	0
MINER	0	0	0	0	0	0	1	0	0	2	0	2
MINNEHAHA	78	2	16	80	3	19	75	4	15	62	2	14
MOODY	1	0	0	2	0	0	3	1	1	0	0	0
PENNINGTON	73	8	19	62	4	10	59	3	9	57	4	12

New Juvenile Commitments to DOC (By County)												
Young = 14 & Under	FY 2008			FY 2009			FY 2010			FY 2011		
	All	CHINS	Young	All	CHINS	Young	All	CHINS	Young	All	CHINS	Young
PERKINS	2	0	0	0	0	0	1	0	0	0	0	0
POTTER	0	0	0	1	0	0	0	0	0	0	0	0
ROBERTS	14	1	2	14	0	1	8	0	0	10	0	1
SPINK	1	1	1	3	0	1	2	0	1	0	0	0
STANLEY	3	0	1	0	0	0	1	0	0	3	1	0
SULLY	1	0	0	1	0	0	0	0	0	0	0	0
TRIPP	4	2	0	3	1	0	0	0	0	2	1	0
TURNER	0	0	0	4	1	2	6	1	2	1	0	0
UNION	4	0	0	7	3	4	7	0	2	5	0	1
WALWORTH	3	0	0	1	0	0	5	0	1	2	0	0
YANKTON	17	2	4	21	1	2	8	2	3	14	1	1

The overall commitment rate in South Dakota is 15.0 per 10,000 youth in the population. The largest number of new commitments in FY 2011 to the Department of Corrections came from Minnehaha (62 commitments) and Pennington (57 commitments) Counties. However, in reviewing the commitment rates, the highest overall commitment rate is found in Charles Mix County with a rate of 44.4 commitments per 10,000 juveniles (12 juvenile commitments compared to 2705 juveniles in the population); the largest number of commitments for CHINS is found in Pennington County with 4 juvenile commitments and 24,837 juveniles in the population (Rate of 1.6 CHINS commitments per 10,000 juveniles); and the largest number of commitments for young offenders (14 years of age and under) is found in Minnehaha County with 14 young offender commitments which is 22.6% of 62 youth committed to the DOC from that county.

b) Department of Corrections Placements

The following table depicts the average daily populations by state fiscal year for placement categories utilized by the DOC for youth committed to their care and for which the Department either operates the program or pays for care through a placement contract.

Average Daily Population By Fiscal Year								
	2004	2005	2006	2007	2008	2009	2010	2011
ALL JUVENILE COMMUNITY CORRECTIONS	1096.7	1018.1	923.0	939.9	919.1	908.0	848.1	792.6
Aftercare	583.3	513.1	421.1	461.4	460.7	431.3	422.8	394.4
Absconder	58.5	48.3	26.8	27.8	19.0	20.0	16.5	16.7
Fostercare	44.4	44.1	38.0	32.4	27.9	20.7	16.8	13.9
Halfway Houses	1.0	0.8	1.4	0.8	2.7	4.6	3.7	2.7
Home	356.5	317.8	267.0	310.1	336.6	306.4	310.1	291.3
Independent Living	29.2	21.6	11.4	14.5	12.8	12.6	9.8	10.3
Training	4.7	5.9	5.7	7.3	6.7	12.1	14.7	13.9
Job Corps	17.5	16.8	21.7	19.4	13.9	4.2	0.2	0.0
Other (Out of State, Boarding School)	38.2	32.6	25.8	23.0	15.1	18.2	17.4	16.1
Other Fostercare	4.6	3.9	2.1	2.6	2.2	8.1	12.2	6.2
West Farm	28.6	21.3	21.1	23.5	23.8	24.3	21.4	23.3
DOC Run Programs	208.2	189.0	180.4	169.7	145.5	144.9	134.4	119.0
STAR Academy East Campus	40.2	39.1	42.8	42.1	40.5	42.8	33.0	43.2
STAR Academy West Campus	168.0	149.9	137.6	127.7	105.0	102.1	101.4	75.8
Other Placement	305.2	316.0	321.6	308.8	312.9	331.8	290.9	279.0
Department of Human Services	14.7	16.1	13.3	11.5	12.0	8.7	8.5	9.3
Department of Human Services	14.7	16.1	13.3	11.5	12.0	8.7	8.5	9.3
Detainment	30.9	32.7	33.2	29.6	35.9	43.5	36.2	38.3
DOC Paid County Jail	14.4	13.0	15.0	10.9	5.0	7.3	5.7	5.1
DOC Paid Detention Center	12.8	15.2	14.6	12.9	13.1	12.1	13.7	12.8
Non-DOC Paid County Jail	0.0	0.0	0.0	0.2	7.7	10.7	6.3	10.0
Non-DOC Paid Detention Center	3.7	4.5	3.5	5.6	10.0	13.3	10.4	10.4
Other Detainment	0.0	0.0	0.0	0.0	0.1	0.2	0.1	0.0
In-State Private - DOC Paid	153.3	170.2	164.4	157.9	166.8	183.5	163.7	154.2
In-State DOC Paid Group Care	55.0	63.7	63.5	56.0	48.8	54.9	46.2	49.8
In-State DOC Paid Intensive Residential	0.0	0.0	0.0	2.8	21.2	37.5	36.5	35.7
In-State DOC Paid Residential Treatment (PRTF)	98.3	106.5	100.8	99.0	96.8	91.1	80.9	68.7
In-State Private - Non DOC Paid	30.4	27.2	23.0	25.7	28.8	29.5	24.0	23.7
In-State Private - Non DOC Paid	30.4	27.2	23.0	25.7	28.8	29.5	24.0	23.7
Out of State Private - DOC Paid	75.9	69.8	87.8	84.0	63.5	61.6	52.3	53.5
Out of State Private - Medicaid Eligible	61.4	51.5	65.8	63.1	38.9	30.4	24.2	26.2
Out of State Private - Non-Medicaid Eligible	14.5	18.3	22.0	20.8	24.6	31.2	28.1	27.3

Note: Groups are based on the definitions implemented by the department in July 2007.

The private placement numbers include youth placed in private programs with the cost of care paid for by the Department of Corrections. Youth placed in out-of-state facilities either have severe mental health issues, require sex offender treatment, or cannot be served by an in-state facility due to the youth's needs or because no space is available in South Dakota private facilities.

Youth under the jurisdiction of the Department of Corrections are also placed in private facilities based on their eligibility for services due to mental health needs, developmental disability, or chemical dependency diagnoses.

c) South Dakota's Juvenile Incarceration Rate

The following information is from OJJDP's "Census of Juveniles in Residential Placement: 1997-2010" which describes the number of juveniles and the rate of incarceration per 100,000. The count for this census was done on February 24, 2010.

Top 10 States Juveniles in Residential Placement Rates 2010 (per 100,000)						
State of Offense	All groups	White	Black	Hispanic	American Indian	Asian
United States	225	127	605	229	367	47
South Dakota	575	317	2,109	1,076	1,593	281
Wyoming	440	402	1,103	596	644	0
District of Columbia	428	172	501	281	0	0
Nebraska	378	217	1,716	433	1,185	224
Alaska	342	228	649	0	648	182
Oregon	319	274	1,214	360	565	80
Pennsylvania	316	111	1,316	396	116	88
West Virginia	316	254	1,173	516	0	236
Colorado	287	204	1,202	297	585	70
Indiana	276	207	717	170	137	51

South Dakota had 504 juveniles in placement on February 24, 2010. Of these juveniles 372 were male (73.8%) and 129 were female (25.6%). This equates to a placement rate of 504 per 100,000 juveniles held in residential facilities that were between 10 and 17 years of age. South Dakota had the highest juvenile incarceration rate in the United States with a rate nearly 2.6 times higher than the national placement rate.

Although South Dakota's number of juvenile offenders decreased 15.6% between the census in 2006 and that completed in 2010, South Dakota once again has the highest incarceration rate in the nation. It is also important to note that only 3 jurisdiction (South Dakota, Wyoming, and District of Columbia,) had rates greater than 400 while four jurisdictions had rates less than 100 (Vermont, Hawaii, Connecticut, and New Hampshire).

c) DOC Youth with Child Protection Involvement

The Division of Child Protection Services (CPS) provides a number of services to support families and children in South Dakota. Services include training programs for parent, foster parents and adoptive parents; licensing services that serve children and families, receive and assess reports of child abuse and neglect. According to the 2011 Kidcount Factbook, 7,282 family assessments were completed in SFY 2011. Of these assessments, 2149 resulted in concerns of safety which include physical abuse (162 cases), sexual abuse (59 cases), physical neglect (1,680 cases), and emotional maltreatment (10 cases).

In 2009, the Department of Corrections and the Department of Social Services Division of Child Protection Services completed a review of a sample of cases of youth committed to the Department of Corrections. This review found that 34% of juveniles committed to the Department of Corrections from the sample population had a prior history with (CPS). Of those who had a child protection history, about one-third of the cases occurred when the youth was very young.

d) Education

Based on the collection information from the Department of Education, statistics show that there are a variety of educational

attainment gaps they related to the advantages and disadvantages of youth in South Dakota. The following table outlines basic information pertaining to the 2011:

2011 No Child Left Behind Summary					
	Enrollment	Math ≥Proficient	Reading ≥Proficient	Attendance Rate	Graduation Rate
Statewide					
All Students	144191	77%	75%	96%	83%
White	108443	81%	80%	96%	86%
Black	3592	56%	56%	96%	73%
Asian	2150	70%	64%	97%	84%
Pac. Islander	143	73%	83%	95%	Min
Native American	22383	47%	48%	93%	49%
Hispanic	5232	63%	64%	95%	73%
Multiple Races	2248	74%	74%	95%	87%
Economically Disadvantaged	-	63%	62%	95%	86%
Students with Disabilities	-	44%	43%	95%	84%
Limited English Proficiency	-	30%	30%	95%	82%
Male	74325	75%	71%	96%	82%
Female	69866	75%	79%	96%	85%
Migrant Students	-	21%	20%	97%	Min
*Min = group does not meet the minimum number for reporting purposes.					
Sources: Department of Education Office of Finance & Management Fall 2011 Enrollment; 2011 No Child Left Behind Report Card					

According to the 2011 No Child Left Behind Report Card for South Dakota, compared with other youth overall, Native American youth are evaluated as having lower levels of proficiency in math (81% for White youth and 47% for Native American youth) and in reading (80% for White youth and 49% for Native American youth).

In addition to lower levels of proficiency in math and reading, Native American youth have lower attendance rates (96% for White youth and 93% for Native American youth) and a graduation rate that is significantly lower (86% for White youth and 65% for Native American youth).

e) Substance Abuse

Juveniles in South Dakota that are in need of inpatient services are admitted to state accredited drug and alcohol treatment programs which are overseen by the South Dakota Department of Social Services, Division Correctional Behavioral Health. According to information submitted from the department for the 2011 South Dakota Kids Count Factbook, 1,375 youth were admitted to drug or alcohol treatment programs during state fiscal year 2011. Of these admissions, the primary drug used was marijuana (50.7%) followed by alcohol (43.2%).

In addition to accrediting facilities, the South Dakota Department of Social Services Community Behavioral Health Division, along with the Department of Education and the Department of Health support the biennially administered Youth Risk Behavior Survey. This survey is used to track health-risk behaviors in youth that result in the greatest amount of morbidity, mortality, and social problems. The following table outlines the questions as they pertain to drug and alcohol use among youth in South Dakota.

Of those most recently surveyed, 71% of female and 67% of male juveniles reported that they had drank alcohol; 24% of females and 28% of males had at least five drinks in a row in last 30 days; and 34% of females and 32% of males had ever used marijuana.

Although alcohol use numbers have been decreasing since the implementation of the Youth Risk Behavior Survey, there is still a significant teen alcohol use issue that needs to be addressed within South Dakota.

Youth Risk Behavior - Drug and Alcohol Usage (By Sex)												
	2001		2003		2005		2007		2009		2011	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Alcohol												
Had at least one drink during life	81%	82%	76%	76%	79%	75%	76%	76%	72%	73%	71%	67%
Had first drink prior to age 13	25%	37%	19%	30%	17%	30%	16%	25%	14%	24%	18%	20%
Had at least one drink in last 30 days	48%	52%	50%	50%	44%	49%	44%	45%	40%	40%	40%	39%
Had at least five drinks in a row in last 30 days	33%	39%	36%	40%	31%	37%	31%	39%	26%	27%	24%	28%
Drank at another person's house in last 30 days	Added in 2009								27%	25%	Question Eliminated	
Marijuana												
Used one or more times during their life	34%	39%	35%	39%	35%	38%	31%	37%	28%	32%	34%	32%
Tried for the first time prior to age 13	6%	11%	6%	9%	5%	11%	6%	11%	3%	7%	7%	9%
Used one or more times during the past 30 days	18%	19%	21%	22%	16%	18%	16%	19%	15%	16%	17%	18%
Used on school property in last 30 days	5%	5%	3%	6%	2%	4%	4%	6%	1%	4%	Question Eliminated	
Other Drug												
Used any form of cocaine including powder, crack, or freebase in last 30 days	2%	3%	3%	4%	4%	4%	3%	4%	2%	4%	2%	4%
Sniffed glue, breathed the contents of aerosol spray cans, or inhaled any sprays or paints to get high during their life	15%	15%	11%	12%	16%	15%	13%	14%	12%	9%	13%	10%
Sniffed glue, breathed the contents of aerosol spray cans, or inhaled any sprays or paints to get high in last 30 days	3%	5%	3%	4%	5%	6%	4%	6%	3%	3%	5%	5%
Used methamphetamines during their life	8%	8%	7%	8%	9%	5%	5%	5%	3%	3%	3%	3%
Have taken painkillers without a doctor's prescription	-	-	-	-	-	-	20%	21%	18%	20%	Question Eliminated	
Had taken steroid pills or shots without a doctor's prescription, during their life	4%	7%	3%	3%	2%	5%	1%	3%	1%	3%	1%	2%
Ever used a needle to inject any illegal drug into their body during their life	7%	7%	1%	3%	2%	3%	2%	3%	2%	2%	2%	2%
have had someone offer, sell, or give them an illegal drug on school property during the past 12 months	24%	25%	18%	26%	19%	22%	18%	24%	16%	20%	15%	17%

The Division of Correctional Behavioral Health within the Department of Corrections provides the substance abuse and mental health programming at the Department of Corrections' State Treatment and Rehabilitation (STAR) Academy. The FY2011 diagnostic data for youth placed at STAR Academy reveals that substance and alcohol abuse are significant issues for youth in the juvenile justice system.

Of the 357 assessments completed for males in FY2011, 59% had a primary diagnosis of dependency and additional 18% had an abuse diagnosis. The rates for 104 assessments completed for females were 50% dependent and 26% has an abuse diagnosis. Marijuana was the drug of choice followed by alcohol.

f) Tribes

There are nine federally recognized Native American Tribes in South Dakota. The nine federally recognized tribes are listed below:

- λ Cheyenne River Sioux Tribe
- λ Crow Creek Sioux Tribe
- λ Flandreau Santee Sioux Tribe
- λ Lower Brule Sioux Tribe
- λ Oglala Sioux Tribe (Pine Ridge)
- λ Rosebud Sioux Tribe
- λ Sisseton-Wahpeton Sioux Oyate
- λ Standing Rock Sioux Tribe
- λ Yankton Sioux Tribe

(1) Law Enforcement Functions

According to information prepared by South Dakota Voices for Children, five of the Tribes provide their own law enforcement with the remaining tribes having their law enforcement agency operated by the Bureau of Indian Affairs. (Source: *South Dakota Tribal Juvenile Justice Directory*)

Provide Own Law Enforcement	BIA Contracted Law Enforcement
Cheyenne River Sioux Tribe	Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe	Lower Brule Sioux Tribe
Oglala Sioux Tribe (Pine Ridge)	Standing Rock Sioux Tribe
Rosebud Sioux Tribe	Yankton Sioux Tribe
Sisseton-Wahpeton Sioux Oyate	

(2) Tribal Juvenile Detention

Many Tribes in South Dakota do not have the need or the capacity to run a full time juvenile detention facility. Those Tribes that do not have full-time detention facilities contract with other Tribes or county facilities to hold their juvenile offenders. Those Tribes that run their own facility include:

- λ Cheyenne River Sioux Tribe
- λ Rosebud Sioux Tribe
- λ Lower Brule Sioux Tribe

In addition, Standing Rock Sioux Tribe has a facility built but is not yet holding juvenile offenders.

(3) Tribal Juvenile Justice Needs

Based on the funding of Native American Programs during SFY 2012, the applying Tribes were required to identify the greatest needs of their juvenile justice system.

Based on the information submitted within the applications the greatest need identified was a lack of resources dedicated to the juvenile court system. Due to lack of funding resources, Tribes have not been able to provide the services of a probation officer or court services officer to oversee youth sentenced to probation.

(4) Tribal Advisory Group

The Council of Juvenile Services financially supports a group of Tribal representatives to identify issues that are unique to reservations and Native American youth that come in contact with the local Tribal juvenile justice systems.

In 2008, the Tribal Advisory Group received technical assistance and participated in a strategic planning process to help direct the activities and goals of the group. Based on the efforts of a technical assistance provider, the following goals were established for the Tribal Advisory Group:

- λ Increase understanding of institutional barriers Tribal youth face in education.
- λ Identify and address policy barriers that limit state-tribal service referrals and placements.
- λ Promote cultural competency training for all public employees that deal with Tribes.
- λ Access current funding streams that are known for juvenile justice systems needs and prevention services.
- λ Pursue stable funding for juvenile probation officers for all nine Tribes.
- λ Identify and obtain Tribal specific prevention programs for youth.

g) Rural Areas

South Dakota is a predominantly rural state with 56.4% of the entire population residing outside of a Metropolitan Statistical Area. Although there are many needs throughout the state relating to the juvenile justice system, the Council of Juvenile Services continues to

provide funding to help relieve the financial burden of the counties associated with bringing the state into compliance with the core requirements under the JJDP.

B. State Priority Juvenile Justice Needs/Problem Statements**1. Value Statements**

South Dakota's Council of Juvenile Services has developed and adopted the following core values that it plans to use as a guide for purposes of future juvenile justice planning and development within the state:

- λ Children and adolescents shall receive developmentally and culturally appropriate services.
- λ All children will have the same access to needed services regardless of income, geography, race, or jurisdiction.
- λ All children have the right to be safe in the community in which they live.
- λ All youth will receive evidence-based services in the least restrictive community-based environment available.
- λ All children, parents, communities, and the juvenile justice system shall demonstrate accountability in the development of a plan for the youth.
- λ It is the expectation that early intervention services are evidence-based.
- λ The guiding philosophy of services is family-based and family centered.
- λ All children will receive equal justice regardless of race, which is essential to effectively addressing Disproportionate Minority Contact.
- λ All children should have access to early and effective legal representation, including an assessment of competence and a timely and just legal process.

2. Problem Statements

The Council identified the following problems to be addressed through formula grant funds and activities during the period covered by this program plan (2012-2014):

- λ Monitoring and maintaining compliance with deinstitutionalization of status offender, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.
 - Supporting qualitative and quantitative information is located in the section “Plan for Compliance With the First Three Core Requirements of the JJDP Act and the State’s Compliance Monitoring Plan” of this comprehensive 3-Year Plan
 - Associated with the program purpose areas of Compliance Monitoring, DSO, Jail Removal, and Separation
- λ Disproportionate Minority Contact – Minority youth, primarily Native American youth, are over-represented at most stages of South Dakota’s juvenile justice system.
 - Supporting qualitative and quantitative information is located in the section “Plan for Compliance with the Disproportionate Minority Contact Core Requirement” of this comprehensive 3-Year Plan
 - Associated with the DMC program purpose area
- λ The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts, thus compromising due process and outcomes.
 - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan

- Associated with Native American Programs program purpose area and Indian Pass-through dollars
- λ Because South Dakota has a high incarceration rate of detention per capita, there is a need to develop alternatives to detention, commitment to the Department of Corrections, and out-of-home placement for:
 - Young Offenders
 - CHINS
- In 2010, South Dakota had a placement rate of 504 per 100,000 juveniles held in residential facilities between the ages of 10 and 17. South Dakota had the highest juvenile incarceration rate in the United States with a rate nearly 2.6 times higher than the national placement rate of 225 per 100,000.
- Additional supporting qualitative and quantitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan
- Associated with program purpose area Alternatives to Detention

III. Plans for Compliance with the First Three Core Requirements of the JJDP Act and the State's Plan for Compliance Monitoring

A. Plan for Deinstitutionalization of Status Offenders

1. DSO Trend Analysis

During the most recent compliance monitoring reporting period, calendar year 2010 admission data was collected and analyzed for all juvenile detention, adult jails, and all secure juvenile residential facilities.

The following table summarizes the violations and rate within South Dakota since 2002 for the first three core requirements.

Summary of Compliance Monitoring Violation History					
CM Reporting Year	Deinstitutionalization of Status Offenders		Jail Removal		Separation
	Violations	Rate	Violations	Rate	Violations
2002	115	56.75	291	143.60	9
2003*	16	8.18	34	17.38	0
2004	9	4.60	5	2.56	1
2005	11	5.62	16	8.18	1
2006	7	3.72	6	3.19	1
2007	11	5.65	20	10.27	2
2008	6	3.05	4	2.03	0
2009	3	1.52	0	0.00	0
2010	0	0.00	0	0.00	0
* Data Projected from July through December 2003 admission.					

In 2002, there were 115 incidents that violated the federal requirements of Deinstitutionalization of Status Offenders. In 2003, South Dakota began working towards compliance with the JJDP Act and saw a decrease in the number of violations to 16 incidents. Since this time, South Dakota has continued to keep the number of violations low. South Dakota had reduced this number to 9 violations in 2004, 11 violations in 2005, 7 violations in 2006, 11 violations in 2007, 6 in 2008, and 3 in 2009. The three violations in 2009 were adjudicated offenders held under federal jurisdiction in a secure detention setting (Federal Ward Exception met). No offense information was able to be obtained for these

cases so they were counted as DSO violations, even though it is likely that they were delinquent offenders. In 2010, South Dakota was able to report 0 violations for the first time since renewed participation in the JJDP.

Since South Dakota began working on compliance with the core requirements of the JJDP Act, the state has overcome a variety of obstacles to compliance. Through legislation, education and financial support of alternatives, the state has maintained compliance with the DSO requirement.

South Dakota will continue to support the County Reimbursement Program to assist in covering the costs of appropriate holding in juvenile detention facilities and nonsecure detainment as well as cover transportation costs of juveniles to appropriate holding locations.

2. Plan Implementation

Strategy	Activity	Year 1	Year 2	Year 3
Continue to fund alternatives to jails and secure detention	1. Fund the Reimbursement Programs (Council and Staff)	Ongoing	Ongoing	Ongoing
	2. Distribute materials and begin reimbursement process for new sites (Staff)	Ongoing	Ongoing	Ongoing
	3. Add, modify or remove projects on input received from law enforcement, county commissions, Judges, Court Services Officers, etc. (Council and Staff)	Ongoing	Ongoing	Ongoing
Staff Training and Education	1. Fund compliance incentives that may be used to help with training costs or other projects to aid in compliance. (Council and Staff)	Ongoing	Ongoing	Ongoing
Seek input from facility administrators on DSO compliance.	1. Identify compliance issues with the staff and administrators to bring before the CJS (Council and Staff)	Ongoing	Ongoing	Ongoing
	2. Share compliance issues and results in recommendations with CJS. (Council and Staff)	June 2012	June 2013	June 2014
Performance Measures	1. Report Performance Measures to OJJDP. (Staff)	December 31, 2012	December 31, 2013	December 31, 2014

Formula grant resources will be utilized for the strategies and activities outlined above to address the DSO requirement.

3. State Advisory Group Participation

Members of the Council of Juvenile Services review the incidents that result in violations, help staff to develop plans to ensure that the violations do not become a pattern, make funding decisions relating to funding, and aid in facility visits to gain understanding of facilities in South Dakota where offenders could be held in violation of the requirements of the Act. The Council will receive reports on compliance issues and will direct staff to take appropriate action. Individual Council members will directly intervene on compliance problems on a case by case basis when it is determined that it is warranted and when it appears that the intervention is an effective strategy to address the problem.

B. Plan for Separation of Juveniles from Adult Offenders (Separation)

In 2002, legislation was passed consistent with the sight and sound separation requirement of the Act. Although juveniles that are transferred to adult court are not included in the requirements of the Act, this procedure is not utilized in South Dakota to circumvent the separation requirement of the Act. Juveniles ages 16 or older that commit serious and violent felonies (Class A, B, 1 or 2 felonies) are prosecuted in adult court unless transferred to juvenile court. Any juvenile over the age of ten who commits a felony could be transferred from juvenile court to adult court. This is a juvenile court procedure. The judge determines whether it is in the best interest of child and the state to transfer the child. Juveniles transfers to adult court occur infrequently and only with consideration of the seriousness of the offense or because of a chronic and escalating offense history. Juveniles transferred to adult court can be held in detention or jail.

1. Separation Violation Trend Analysis

The following table summarizes the violations and violation rates within South Dakota since 2002 for the first three core requirements.

Summary of Compliance Monitoring Violation History					
CM Reporting Year	Deinstitutionalization of Status Offenders		Jail Removal		Separation
	Violations	Rate	Violations	Rate	Violations
2002	115	56.75	291	143.60	9
2003*	16	8.18	34	17.38	0
2004	9	4.60	5	2.56	1
2005	11	5.62	16	8.18	1
2006	7	3.72	6	3.19	1
2007	11	5.65	20	10.27	2
2008	6	3.05	4	2.03	0
2009	3	1.52	0	0.00	0
2010	0	0.00	0	0.00	0
* Data Projected from July through December 2003 admission.					

In 2002, there were 9 incidents that violated the federal requirements of separation of juvenile from adult offenders. In 2003, South Dakota began working towards compliance with the JJDP Act and saw a decrease in the number of violations to 0 incidents. Since this time, South Dakota has continued to keep the number of violations low. South Dakota had reduced this number to 1 violation in 2004, 1 violation in 2005, 1 violation in 2006, 2 violations in 2007, and 0 violations in 2008, 2009, and 2010.

Since South Dakota began working on compliance with the core requirements of the JJDP Act, the state has overcome a variety of obstacles to compliance. Through legislation, education and financial support of alternatives, the state has maintained compliance with the sight and separation requirement.

South Dakota will continue to support the County Reimbursement Program to assist in covering the costs of appropriate holding in juvenile detention facilities and nonsecure detainment as well as cover transportation costs of juveniles to appropriate holding locations.

2. Plan Implementation

Strategy	Activity	Year 1	Year 2	Year 3
Continue to fund alternatives to jails and secure detention	4. Fund the Reimbursement Programs (Council and Staff)	Ongoing	Ongoing	Ongoing
	5. Distribute materials and begin reimbursement process for new sites (Staff)	Ongoing	Ongoing	Ongoing
	6. Add, modify or remove projects on input received from law enforcement, county commissions, Judges, Court Services Officers, etc. (Council and Staff)	Ongoing	Ongoing	Ongoing
Staff Training and Education	2. Fund compliance incentives that may be used to help with training costs or other projects to aid in compliance. (Council and Staff)	Ongoing	Ongoing	Ongoing
Seek input from facility administrators on DSO compliance.	3. Identify compliance issues with the staff and administrators to bring before the CJS (Council and Staff)	Ongoing	Ongoing	Ongoing
	4. Share compliance issues and results in recommendations with CJS. (Council and Staff)	June 2012	June 2013	June 2014
Performance Measures	2. Report Performance Measures to OJJDP. (Staff)	December 31, 2012	December 31, 2013	December 31, 2014

Formula grant resources will be utilized for the strategies and activities outlined above to address the separation requirement.

3. State Advisory Group Participation

Members of the Council of Juvenile Services review the incidents that result in violations, help staff to develop plans to ensure that the violations do not become a pattern, make funding decisions relating to funding, and aid in facility visits to gain understanding of facilities in South Dakota where offenders could be held in violation of the requirements of the Act. The Council will receive reports on compliance issues and will direct staff to take appropriate action. Individual Council members will directly intervene on compliance problems on a case by case basis when it is determined that it is warranted and when it appears that the intervention is an effective strategy to address the problem.

4. Staff Certification to Work with Juveniles in Collocated Facilities

Information pertaining to the South Dakota's standard regarding the certification of staff to work with juveniles in collocated facilities may be found within the South Dakota Compliance Monitoring Manual in Appendix E.

B. Plan for Removal of Juveniles from Adult Jails and Lockups (Jail Removal)

Prior to the passage of legislature in 2003, juveniles could be held in adult jails and lockups. Under this legislation, alleged delinquent offenders can be held in an adult jail for up to 6 hours, sight and sound separated from adults, for the purposes of identification, processing, or to arrange for release or transfer. Rural jails in communities without appropriate juvenile facilities can be approved for holding juveniles, sight and sound separated, for up to 48 hours or until the temporary custody hearing. Juveniles in adult court can be held in juvenile or adult facilities.

5. Removal Trend Analysis

During the most recent compliance monitoring reporting period, calendar year 2009, admission data was collected and analyzed for all adult jails and lockups.

The following table summarizes the violations and violation rates within South Dakota since 2002 for the first three core requirements.

Summary of Compliance Monitoring Violation History					
CM Reporting Year	Deinstitutionalization of Status Offenders		Jail Removal		Separation
	Violations	Rate	Violations	Rate	Violations
2002	115	56.75	291	143.60	9
2003*	16	8.18	34	17.38	0
2004	9	4.60	5	2.56	1
2005	11	5.62	16	8.18	1
2006	7	3.72	6	3.19	1
2007	11	5.65	20	10.27	2
2008	6	3.05	4	2.03	0
2009	3	1.52	0	0.00	0
2010	0	0.00	0	0.00	0
* Data Projected from July through December 2003 admission.					

In 2002, there were 291 incidents that violated the federal requirements of jail removal. In 2003, South Dakota began working towards compliance with the JJDP Act and saw a decrease in the number of violations to 34 incidents. Since this time, South Dakota has continued to keep the number of violations low. South Dakota had reduced this number to 5 violations in 2004, 16 violation in 2005, 6 violation in 2006, 20 violations in 2007, 4 violations in 2008, and no violations in 2009 and 2010.

Since South Dakota began working on compliance with the core requirements of the JJDP Act, the state has overcome a variety of obstacles to compliance. Through legislation, education and financial support of alternatives, the state has maintained compliance with the jail removal requirement.

Based on these findings, South Dakota will continue to support the County Reimbursement Program to assist in covering the costs of appropriate holding in juvenile detention facilities and nonsecure detainment as well as cover transportation costs of juveniles to appropriate holding locations.

6. Plan Implementation

Strategy	Activity	Year 1	Year 2	Year 3
Continue to fund alternatives to jails and secure detention	7. Fund the Reimbursement Programs (Council and Staff)	Ongoing	Ongoing	Ongoing
	8. Distribute materials and begin reimbursement process for new sites (Staff)	Ongoing	Ongoing	Ongoing
	9. Add, modify or remove projects on input received from law enforcement, county commissions, Judges, Court Services Officers, etc. (Council and Staff)	Ongoing	Ongoing	Ongoing
Staff Training and Education	3. Fund compliance incentives that may be used to help with training costs or other projects to aid in compliance. (Council and Staff)	Ongoing	Ongoing	Ongoing
Seek input from facility administrators on DSO compliance.	5. Identify compliance issues with the staff and administrators to bring before the CJS (Council and Staff)	Ongoing	Ongoing	Ongoing
	6. Share compliance issues and results in recommendations with CJS. (Council and Staff)	June 2012	June 2013	June 2014
Performance Measures	3. Report Performance Measures to OJJDP. (Staff)	December 31, 2012	December 31, 2013	December 31, 2014

Formula grant resources will be utilized for the strategies and activities outlined above to address the Removal requirement.

7. State Advisory Group Participation

Members of the Council of Juvenile Services review the incidents that result in violations, help staff to develop plans to ensure that the violations do not become a pattern, make funding decisions relating to funding, and aid in facility visits to gain understanding of facilities in South Dakota where offenders could be held in violation of the requirements of the Act. The Council will receive reports on compliance issues and will direct staff to take appropriate action. Individual Council members will directly intervene on compliance problems on a case by case basis when it is determined that it is warranted and when it appears that the intervention is an effective strategy to address the problem.

C. Plan for Compliance Monitoring – First Three Core Requirements

1. Policies and Procedures

South Dakota maintains a Compliance Monitoring Manual that outlines the daily efforts to maintain compliance with the requirements of Deinstitutionalization of Status Offenders, Jail Removal, and Separation. This manual is updated on an as needed basis, and may be found at the Department of Corrections Compliance website located at <http://doc.sd.gov/about/grants/compliance.aspx>.

2. Monitoring Authority

South Dakota has designated the Department of Corrections as the agency responsible for monitoring compliance with the JJDP Act. The monitoring authority has been established in South Dakota Codified Law.

Additional information pertaining to the details of monitoring authority in South Dakota may be found within the South Dakota Compliance Monitoring Manual.

3. Monitoring Timeline

As part of an adequate system of monitoring facilities, a variety of steps are conducted throughout the year to complete the monitoring process. These steps include the following:

- identification and classification are completed annually;
- inspections are conducted on an ongoing basis;
- data collection is ongoing; and
- verification is completed during regular visits.

In order to improve the timeliness of efforts for monitoring compliance, data is collected for juveniles that have been placed pursuant to public authority is completed on a monthly basis with feedback to facilities occurring quarterly so they have the ability to provide additional information to clear incidents as a possible violation or review their procedures to avoid future violations.

Additional information pertaining to the monitoring timeline in South Dakota may be found within the South Dakota Compliance Monitoring Manual beginning on page 53.

4. Violation Procedures

Any possible violations identified through the data collection, verification or inspection process or through complaints that are brought to the attention of the Department of Corrections relating to a specific location or incident result in an investigation by the Compliance Monitoring Coordinator and communication with the facility administrator. During the initial stage of investigation, the Compliance Monitoring Coordinator will work with the facility to determine what has occurred in the facility and determine if the complaint involves a compliance violation. If a compliance violation is substantiated, the Compliance Monitor will begin working with the location to develop a plan to address those issues that resulted in the violation. If those issues that resulted in the complaint

and violation are not resolved, more aggressive actions are taken which could include reporting the violations to the facility or agency chief executive officer; reports to the States Attorney, Attorney General, or Presiding Judge; removal of juveniles from the location through contacts with the placing authority; withholding of funds; intervention by the Council of Juvenile Services, or other actions that are deemed necessary in order to ensure compliance.

Additional information pertaining to the details for violation procedures in South Dakota may be found within the South Dakota Compliance Monitoring Manual beginning on page 49.

5. Barriers and Strategies

South Dakota has a variety of barriers relating to the lack of services in rural areas, geographic distance for travel to services, collection of justice related data, and education of staff on compliance throughout the stages of the justice system.

Additional information pertaining to the barriers and strategies in South Dakota may be found within the South Dakota Compliance Monitoring Manual on page 45.

6. Definition of Terms

South Dakota was granted participation in March 2004 due to the passing of legislation that updated definitions in South Dakota Codified Law to be consistent to the definitions as found in JJDP Act.

Additional information pertaining to the definition of terms in South Dakota may be found within the South Dakota Compliance Monitoring Manual in Appendix C.

7. Identification of Monitoring Universe

As part of an adequate system of monitoring facilities, identification of the monitoring universe is completed through an annual review of resources from licensing and contract agencies. The entities publishing these resources include Department of Corrections, Division of Criminal Investigation, Department of Social Services, Department of Human Services, and Bureau of Indian Affairs.

Additional information pertaining to the identification of the monitoring universe in South Dakota may be found within the South Dakota Compliance Monitoring Manual beginning on page 20.

8. Classification of Monitoring Universe

As part of an adequate system of monitoring facilities, classification of the monitoring universe is completed through an annual review of resources from licensing and overseeing agencies and through inspections. The entities publishing these resources include Department of Corrections, Division of Criminal Investigation, Department of Social Services, Department of Human Services, and Bureau of Indian Affairs. In addition, data to help with classification is collected and reviewed to help ensure the appropriate classification of facilities as well as non-detaining administrative locations.

Additional information pertaining to the classification of the monitoring universe in South Dakota may be found within the South Dakota Compliance Monitoring Manual beginning on page 22.

9. Inspection of Facilities

As part of an adequate system of monitoring facilities, inspection is completed on an ongoing basis for the purpose of verifying the classification, ensuring compliance with standards of care (collocated), and verification of data as it

relates to compliance. In addition to the inspection completed by the Department of Corrections Formula Grant staff, inspections by staff of agencies that have licensing or contracting authority are utilized in the monitoring process to aid in the identification and correct classification of locations under their jurisdiction.

Additional information pertaining to the inspection of facilities in South Dakota may be found within the South Dakota Compliance Monitoring Manual beginning on page 27.

10. Data Collection and Verification

As part of an adequate system of monitoring facilities, the Department of Corrections Formula Grants staff is responsible for the data collection from all facilities in the state that might hold juveniles pursuant to public authority. Every facility that has this potential—regardless of the purpose for housing juveniles or operator—is subject to the data collection requirements. Data collection and reporting are required to determine whether facilities in the state are in compliance with the applicable requirements of DSO, jail removal, and separation.

Additional information pertaining to the data collection and verification in South Dakota may be found within the South Dakota Compliance Monitoring Manual beginning on page 30.

IV. Plan for Compliance with the Disproportionate Minority Contact (DMC) Core Requirement**A. Phase I: Identification****1. Updated DMC Spreadsheets**

The DMC identification spreadsheets for calendar year 2009 have been completed for the FY2012 Title II Formula Grants Application. This updated data covers statewide, the two Metropolitan Statistical Areas. The Relative Rate Spreadsheets have been exported from OJJDP's web-based DMC data entry system and attached in the Grants Management System as "Attachment 2 – South Dakota" with the respective jurisdiction name.

Consistent with direction received from OJJDP and their DMC consultant, South Dakota has focused their DMC analysis on statewide data and the two largest jurisdictions, Pennington County and Minnehaha County. This determination was based on the fact that these two jurisdictions are the only locations that have enough local system activity to track minority over-representation in a statistically significant and valid manner. For the FY2012 Title II Formula Grant Application South Dakota requested a formal waiver to focus on two jurisdictions rather than the three as requested in the solicitation. We have attached a copy of the approved waiver documentation.

2. DMC Data Discussions

a) South Dakota's DMC Data

South Dakota does not have a central system for maintaining data for completing the DMC Relative Rate Index (RRI) Matrices. During an overall review of the juvenile justice system, it was determined that because of the similarities in dispositions for delinquent and CHINS offenses in South Dakota it would be more accurate reflection of the system to complete the DMC Matrices in a manner that includes all juvenile justice system activity rather than just focusing on the delinquent offenses. The information used in the completion of the DMC Matrices is outlined in the chart below.

DMC Data Collection Sources		
Stage	Source	Data Notes
Arrest Data	South Dakota Attorney General's Division of Criminal Investigation Statistical Analysis Center – The information compiled is taken from law enforcement agencies throughout the State of South Dakota.	Following review of the arrest information, local jurisdictions were given the opportunity to provide alternative reports of juvenile arrest. Therefore, the information is a combination of that information obtained by the Division of Criminal Investigation Statistical Analysis Center and locally submitted data in those locations that have local DMC Pilot Sites. Data reflects a duplicated count.
Diversion	Juvenile Accountability Block Grant – Reports submitted to the Department of Corrections; Unified Judicial System Informal Cases; DMC Subgrant performance reports for DMC diversion programs	The numbers of diversions listed do not include all diversions in locales where the State's Attorney initiates diversion options where a successful completion results in a decision to not refer to the court system. Data reflects a duplicated count.
Detention	Compliance Data – Individual specific data submitted to the department for the purpose of monitoring for compliance with the core requirements of the JJDP Act.	The numbers included all detainment in facilities monitored for compliance due to some local limitations of data. Data reflects a duplicated count.
Juvenile Court	Data for completion of this decision point in the matrices for the stages of Referral, Petition Filed, Adjudications, and Probation are obtained from data analyzed from the Unified Judicial System.	Some stages have incomplete race information which is reflected in the Other/Mixed Category. Data reflects a duplicated count.
DOC Commitment	Pursuant to South Dakota Codified law, juveniles that are adjudicated and found to need out of home services as part of a disposition are placed in state custody. While under the custody of the state, the Department of Corrections assesses needs and determines the appropriate placements.	"Cases Resulting in DOC Commitment" replaces the federal stage entitled "Cases Resulting in Confinement in Secure Juvenile Correctional Facilities"; This information only includes new commitments to the Department of Corrections. Data reflects a duplicated count.
Adult Court	Pursuant to South Dakota Codified Law, certain offenses are automatically transferred to the adult system due to their severity. However, based on circumstances these cases may be petitioned be transferred back to juvenile court.	"Cases Resulting in Admission to Adult Facilities" replaces the federal stage entitled "Cases Transferred to Adult Court" This information only includes admissions to the Department of Corrections for inmates under age 18. Data reflects a duplicated count.

Formula Grant staff will continue to work with these entities to improve the data collection as it pertains to the completion of the DMC Relative Rate Index (RRI) Matrices.

b) Obtained RRI Values in South Dakota

The following sections discuss the Relative Rates Indexes (RRIs) obtained and make comparisons between the data obtained in 2002 through 2008.

The following table shows the base populations for each of the stages.

Stage	Base Used
Juvenile Arrest	Per 1,000 youth in the population
Diversion	Per 100 juvenile referrals
Secure Detention	Per 100 juvenile referrals
Cases Petitioned	Per 100 juvenile referrals
Delinquent/CHINS Findings	Per 100 cases petitioned
Probation	Per 100 cases found delinquent/CHINS
DOC Commit	Per 100 cases found delinquent/CHINS

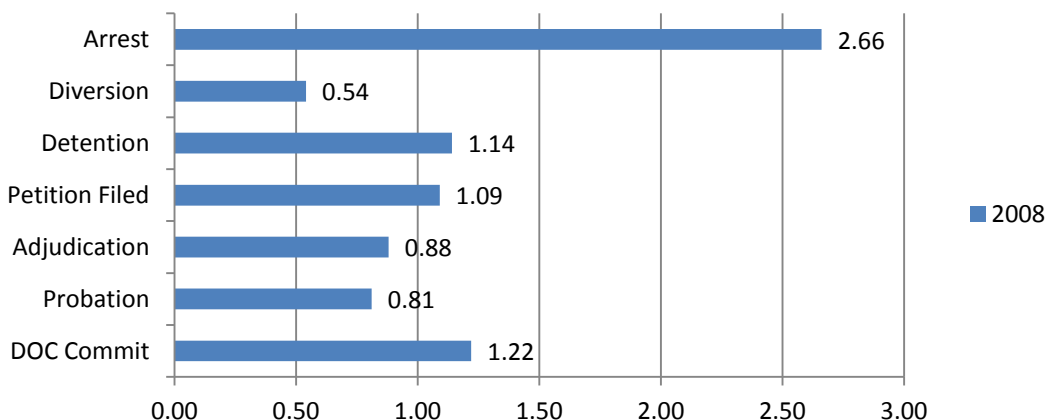
The Relative Rate Index (RRI) is calculated in a manner that compares the rate for minority youth to the rate for White youth. In an example from Minnehaha County, a RRI in 2009 at the arrest stage is equal to 2.75 for Native American youth would translate into: Based on juvenile population, the arrest rate for Native American juveniles is 2.75 times higher when compared to White juveniles.

(1) Statewide

Minority youth represent 21.8% of the total juvenile population under age 18. As illustrated in the following chart, the most recent relative rate index calculations show

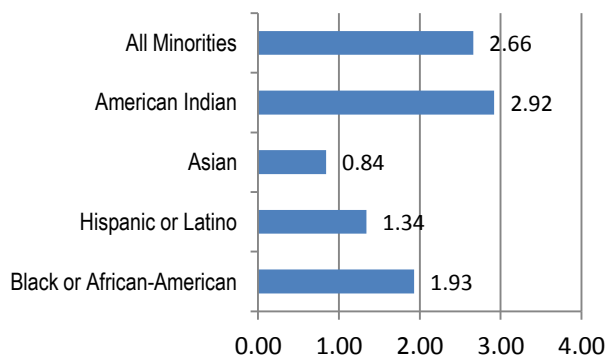
that a disproportionate rate of minority youth exists on a statewide basis at arrest and DOC Commitment.

2009 RRI Calculation - All Minorities

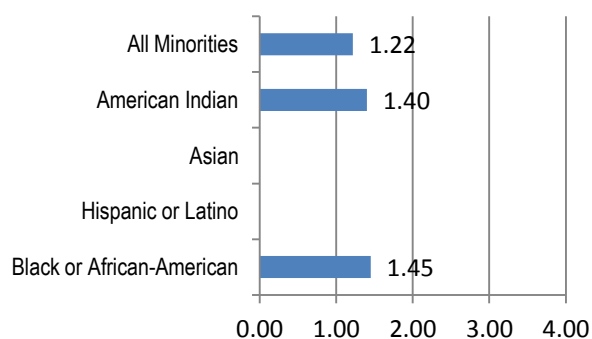


In South Dakota, the race/ethnicity categories that make up at least 1% of the total juvenile population include Black, Hispanic (for any race), Asian, and Native American. The following chart provides the RRI calculations at the stages of arrest and commitment to DOC by race. These stages have the greatest volume and magnitude and are statistical significance.

CY09 Arrest RRI (Statewide)



CY09 DOC RRI (Statewide)



**Note: RRI not be calculated for Asian and Hispanic/Latino due to small numbers.*

At the stage of DOC Commitment, assuming all other items remained constant, statistical parity between Native American and White youth would be achieved through a reduction of 32 commitments for Native American youth statewide.

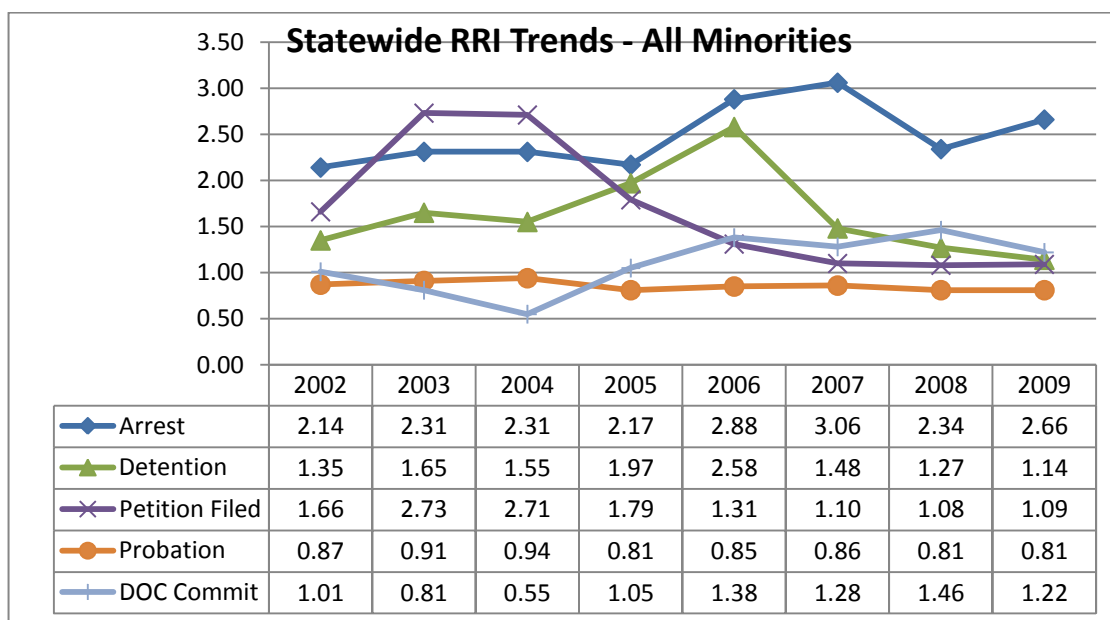
Since South Dakota's renewed participation in the Formula Grant Program in 2003, South Dakota has completed the DMC Assessment, which guided local site selection; implementation of local DMC workgroups to review data; awarded local DMC Intervention grants; and underwent a variety of data reviews and improvement processes. During these initial stages of working through the DMC process, local DMC pilot groups noted many positive changes on an individual basis; however, these changes have not shown significant decreases in the RRI data.

The following chart reflects the volume of system juvenile activity, rate of occurrence for each race (using the base populations from OJJDP), and calculated RRI values that compare each rate for each race to the rate for white youth:

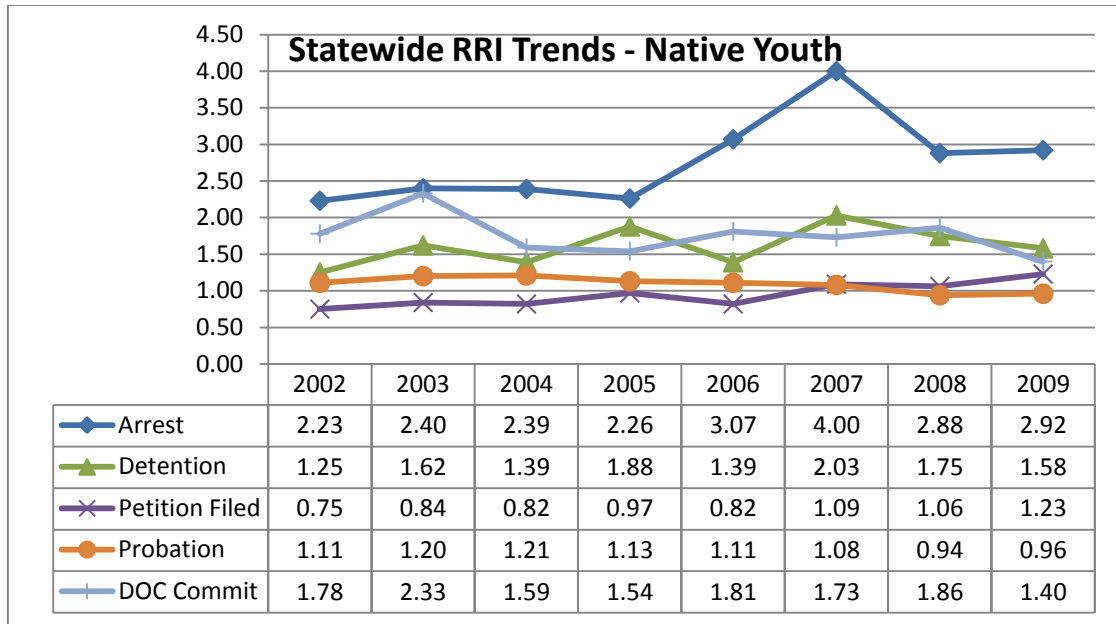
2009 Statewide RRI Summary																	
	White		Black or African-American			Hispanic or Latino			Asian			American Indian or Alaska Native			All Minorities		
	#	Rate	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI
Population	154,090		5,227			7,668			2,613			27,346			42,854		
Arrest	4191	27.0	273	52.2	1.93	277	36.1	1.34	59	22.6	0.84	2,158	78.9	2.92	3080	71.9	2.66
Diversion	1,541	51.87	55	27.78	0.54	28	51.87	**	11	31.43	0.61	466	42.87	0.83	594	27.91	0.54
Detention	1,084	36.49	126	63.64	1.74	79	36.49	**	31	88.57	2.43	627	57.68	1.58	884	41.54	1.14
Petition Filed	3,746	126.09	271	136.87	1.09	0	126.09	**	56	160.00	1.27	1,689	155.38	1.23	2,914	136.94	1.09
Adjudication	3,444	91.94	258	95.20	1.04	0	91.94	**	49	87.50	0.95	1,497	88.63	0.96	2,367	81.23	0.88
Probation	2,644	76.77	184	71.32	0.93	0	76.77	**	41	83.67	1.09	1,098	73.35	0.96	1,468	62.02	0.81
DOC Commit	184	5.34	20	7.75	1.45	18	5.34	**	4	8.16	**	112	7.48	1.40	154	6.51	1.22

Minority youth represent 21.8% of the total juvenile population under age 18. The following table shows the RRI

calculations as far back as data has been made available for tracking minority youth within the system.



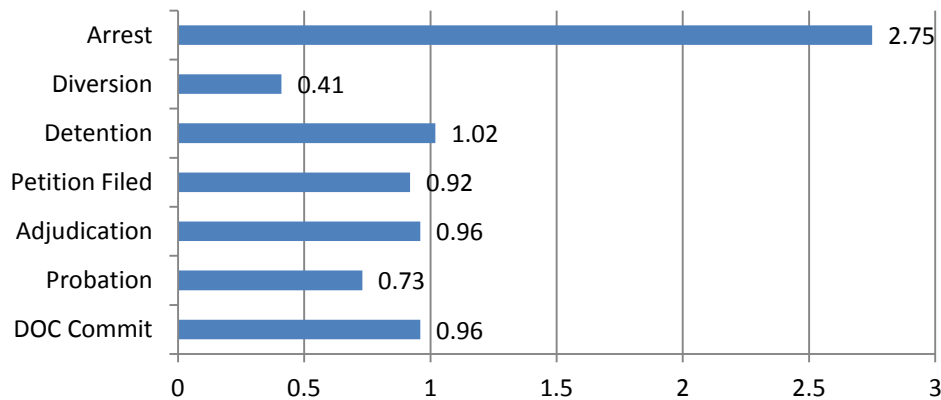
Native American juveniles represent 13.9% of the total juvenile population under age 18. The following table shows the RRI calculations as far back as data has been made available for Native American youth in the state justice system.



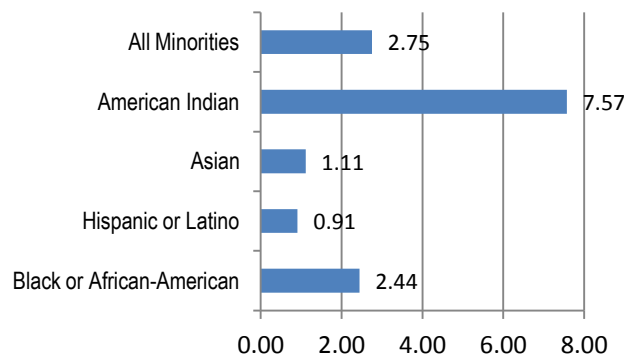
Due to size of the juvenile populations and the amount of activity in the juvenile justice system, additional focus has been placed on serving Native American juveniles within the justice system.

(2) Minnehaha County

Minority youth represent 18.0% of the total juvenile population under age 18 in Minnehaha County. As illustrated in the following chart, the most recent relative rate index calculations show that a disproportionate rate of minority youth exists at arrest and DOC Commitment.

2009 RRI Calculation (Minnehaha) - All Minorities

In Minnehaha County, the race/ethnicity categories that make up at least 1% of the total juvenile population include Black, Hispanic (for any race), Asian, and Native American. The following chart provides the RRI calculations at the stages of arrest. This stage has the greatest volume and magnitude and is statistical significance.

CY09 Arrest RRI (Minnehaha)

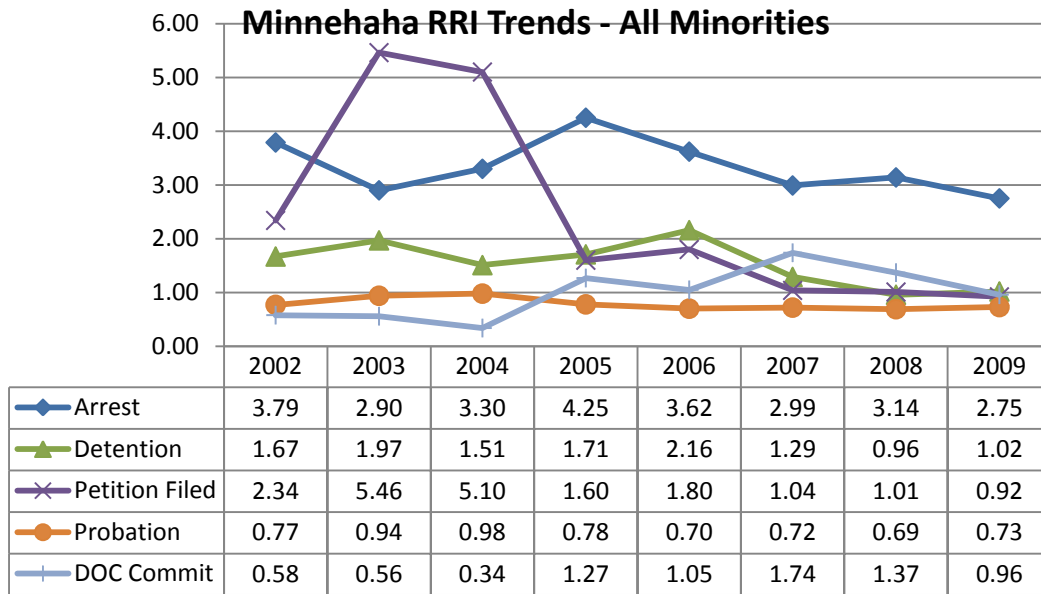
Since South Dakota's renewed participation in the Formula Grant Program in 2003, South Dakota has completed the DMC Assessment, which guided local site selection; implemented local DMC workgroups to review data;

awarded local DMC Intervention grants; and underwent a variety of data reviews and improvement processes.

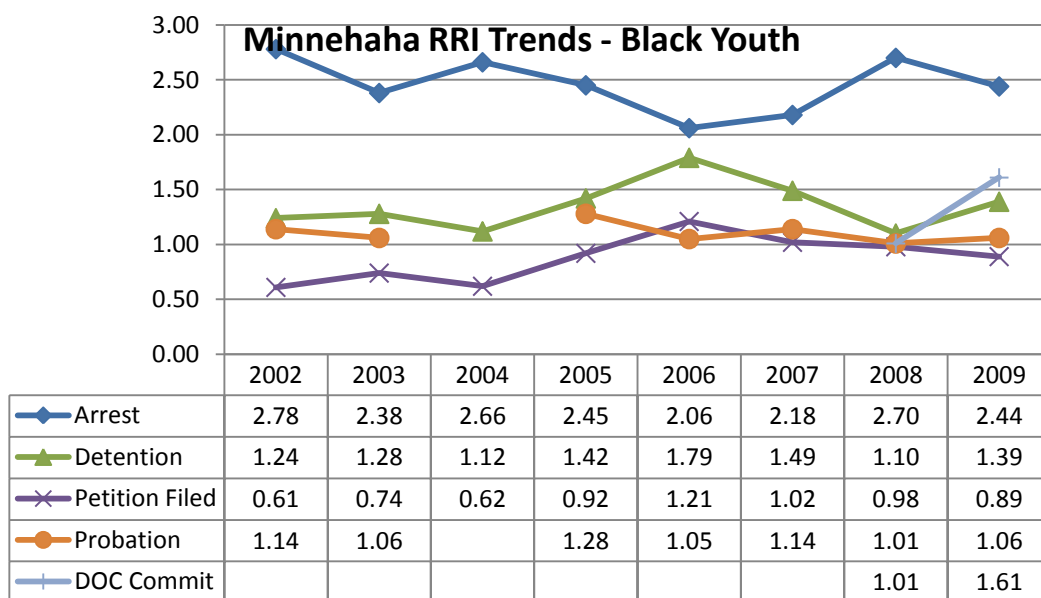
The following chart reflects the volume of system juvenile activity, rate of occurrence for each race (using the base populations from OJJDP), and calculated RRI values that compare each rate for each race to the rate for white youth:

2009 Minnehaha RRI Summary																	
	White		Black or African-American			Hispanic or Latino			Asian			American Indian or Alaska Native			All Minorities		
	#	Rate	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI
Population	35,926		2,439			2,917			1,923			1,487			7,866		
Arrest	1,142	31.79	189	77.49	2.44	84	28.80	0.91	36	35.19	1.11	358	240.75	7.57	688	87.47	2.75
Diversion	319	33.37	32	22.86	0.68	7	0.00	**	4	22.22	**	39	21.67	0.65	100	13.53	0.41
Detention	542	56.69	110	78.57	1.39	67	0.00	**	16	88.89	**	227	126.11	2.22	427	57.78	1.02
Petition Filed	1,558	162.97	202	144.29	0.89	0	0.00	**	40	222.22	**	398	221.11	1.36	1,109	150.07	0.92
Adjudication	1,218	78.18	179	88.61	1.13	0	0.00	**	31	77.50	0.99	268	67.34	0.86	835	75.29	0.96
Probation	854	70.11	133	74.30	1.06	0	0.00	**	24	77.42	1.10	194	72.39	1.03	426	51.02	0.73
DOC Commit	38	3.12	9	5.03	1.61	6	0.00	**	1	3.23	**	9	3.36	1.08	25	2.99	0.96

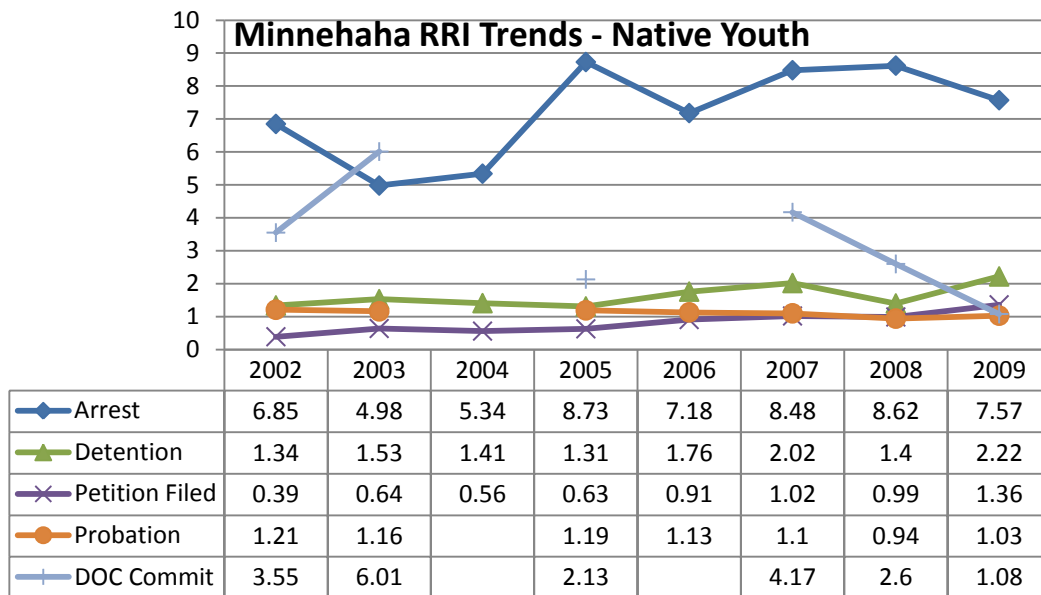
Minority youth represent 18.0% of the total juvenile population under age 18. The following table shows the RRI calculations as far back as data has been made available for tracking minority youth within the system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI.



Black juveniles represent 5.6% of the total juvenile population under age 18. The following table shows the RRI calculations as far back as data has been made available for Black youth in the state justice system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI.



Native American juveniles represent 3.4% of the total juvenile population under age 18. The following table shows the RRI calculations as far back as data has been made available for Native American youth in the state justice system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI.



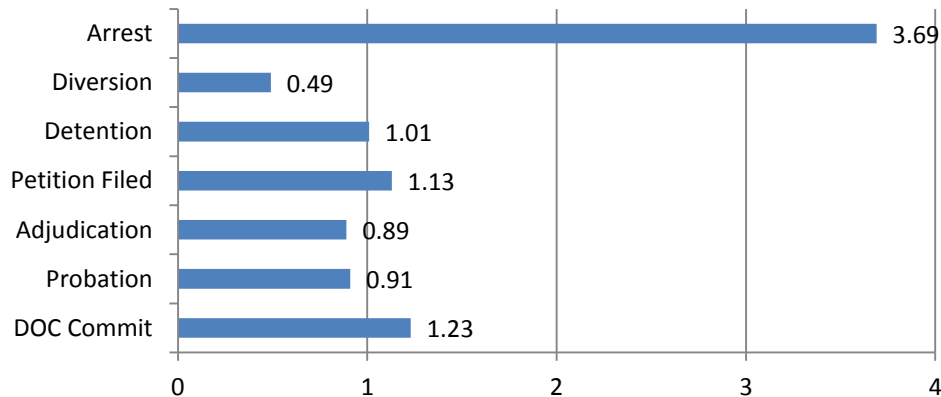
Due to size of the juvenile populations and the amount of activity in the juvenile justice system, additional focus has been placed on serving Native American juveniles within the justice system.

(3) Pennington County

Minority youth represent 25.1% of the total juvenile population under age 18. As illustrated in the following chart, the most recent relative rate index calculations show

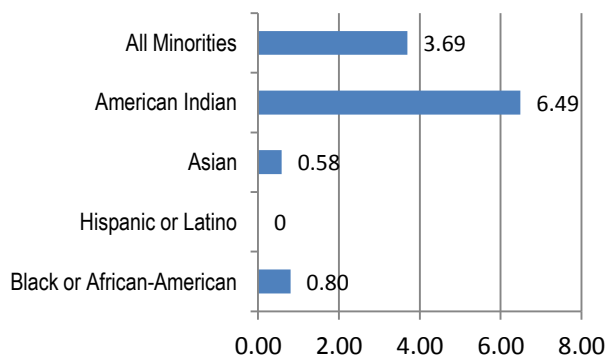
that a disproportionate rate of minority youth exists at arrest and DOC Commitment.

2009 RRI Calculation (Pennington) - All Minorities

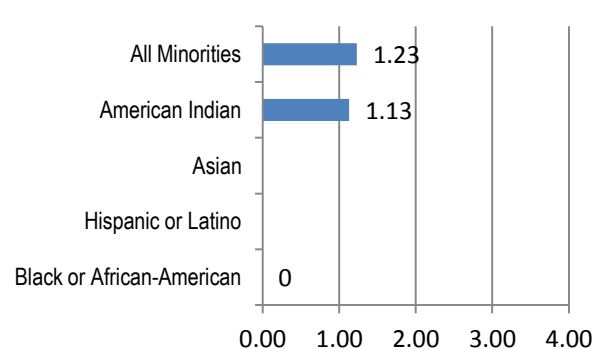


In Pennington County, the race/ethnicity categories that make up at least 1% of the total juvenile population include Black, Hispanic (for any race), Asian, and Native American. The following chart provides the RRI calculations at the stages of arrest and detention by race. These stages have the greatest volume and magnitude and are statistical significance.

CY09 Arrest RRI (Pennington)



CY09 DOC RRI (Pennington)



**Note: RRI not be calculated for Asian and Hispanic/Latino due to small numbers.*

At the stage of DOC Commitment, assuming all other items remained constant statistical parity between Native American and White youth would be achieved through a reduction of 4 commitments for Native American youth in Pennington County.

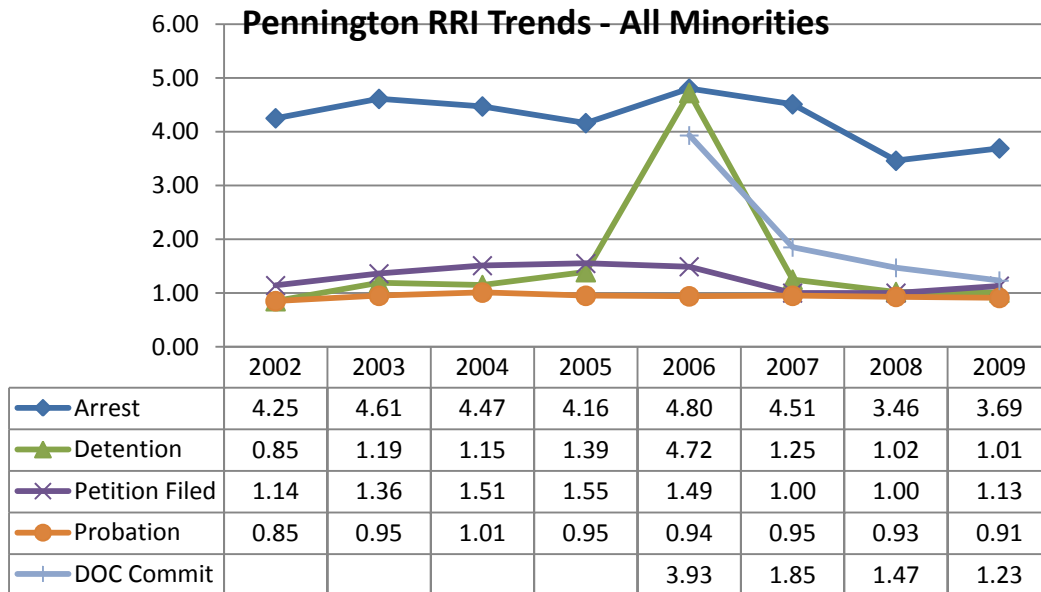
Since South Dakota's renewed participation in the Formula Grant Program in 2003, South Dakota has completed the DMC Assessment, which guided local site selection; implemented local DMC workgroups to review data; awarded local DMC Intervention grants; and underwent a variety of data reviews and improvement processes.

The following chart reflects the volume of system juvenile activity, rate of occurrence for each race (using the base populations from OJJDP), and calculated RRI values that compare each rate for each race to the rate for white youth:

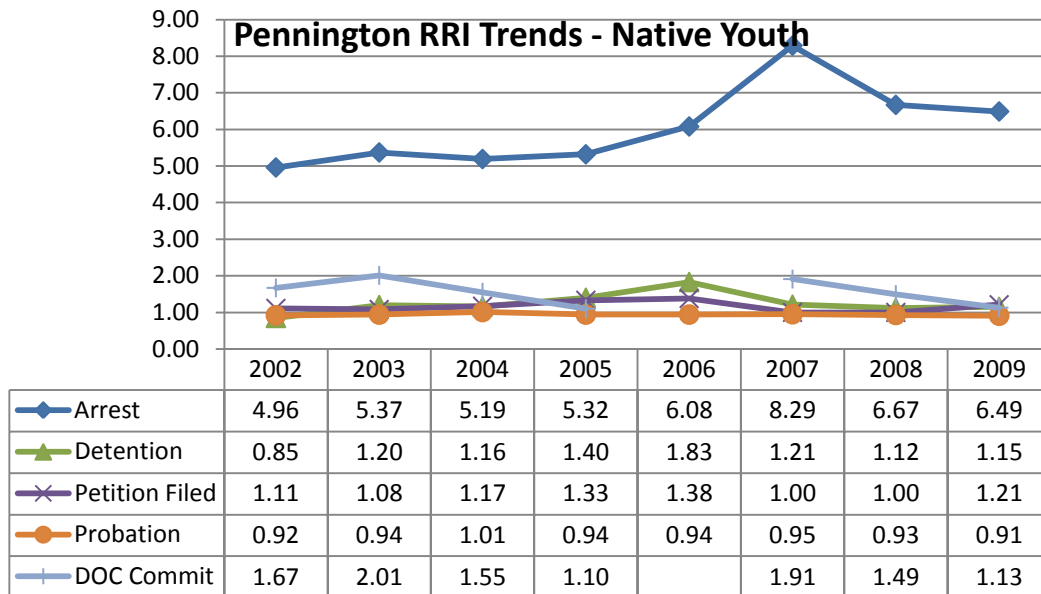
2009 Pennington RRI Summary																	
	White		Black or African-American			Hispanic or Latino			Asian			American Indian or Alaska Native			All Minorities		
	#	Rate	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI
Population	18,340		1,004			1,421			394			3,336			6,155		
Arrest	962	52.45	42	41.83	0.80	0	0.00	**	12	30.46	0.58	1,135	340.23	6.49	1,192	193.66	3.69
Diversion	511	80.22	16	45.71	0.57	19	0.00	**	3	100.00	**	299	41.76	0.52	338	39.03	0.49
Detention	468	73.47	28	80.00	1.09	0	0.00	**	2	66.67	**	607	84.78	1.15	644	74.36	1.01
Petition Filed	545	85.56	32	91.43	1.07	0	0.00	**	2	66.67	**	739	103.21	1.21	835	96.42	1.13
Adjudication	505	92.66	32	100.00	1.08	0	0.00	**	2	100.00	**	628	84.98	0.92	692	82.87	0.89
Probation	406	80.40	22	68.75	0.86	0	0.00	**	2	100.00	**	460	73.25	0.91	505	72.98	0.91
DOC Commit	22	4.36	3	9.38	**	2	0.00	**	1	50.00	**	31	4.94	1.13	37	5.35	1.23

Minority youth represent 25.1% of the total juvenile population under age 18. The following table shows the RRI calculations as far back as data has been made available for tracking minority youth within the system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI. In the following table, there were too

few white youth committed to DOC in order to calculate DOC Commitment.



Native American juveniles represent 13.6% of the total juvenile population under age 18. The following table shows the RRI calculations as far back as data has been made available for Native American youth in the state justice system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI in this case there were too few white youth committed to DOC in order to calculate DOC Commitment.



Due to size of the juvenile populations and the amount of activity in the juvenile justice system, additional focus has been placed on serving Native American juveniles within the justice system.

c) Relative Rate Index Tracking

During the analysis of the DMC RRI Trends, the following criteria was used at each monitored stage in determining if significance, magnitude, and volume were considered central to the disparities:

- Statistical significance is calculated for minority youth in comparison to white youth by using a chi square distribution at the significance level $\alpha = 0.05$. In this calculation, actual levels of system activity are compared to expected levels of system activity and a determination is made as to if the size of the discrepancy between actual values and expected values could occur by chance.
- Magnitude was determined if the levels of RRI at a stage met or exceeded 1.50 when compared to the rates for white youth.

- Volume was based on if the number of cases that would need to change in order to reach statistical parity is large enough to warrant and support an intervention program that would have enough cases to implement an intervention strategy at that stage. (Cases \geq 100 youth in MSA jurisdictions)

(1) Statewide

The following chart shows the basic information for the stages of the juvenile justice system as they pertain to the significance, magnitude, volume and contextual considerations relating to the statewide data. South Dakota has not conducted a comparison DMC RRI calculations to other jurisdictions due to complications with the defined population tracked for DMC purposes.

Relative Rate Index (RRI) Analysis and Tracking							
State : South Dakota County : Statewide	Black or African- American	Hispanic Or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	S,M,V,C	S,C			S,M,V,C		S,M,V,C
3. Refer to Juvenile Court					S		S
4. Cases Diverted	S				S		S
5. Cases Involving Detention	S, M		S,M		S,M,V		S,V
6. Cases Petitioned (Charge Filed)					S,V,		S,V,C
7. Cases Resulting in Adjudication							S,C
8. Cases resulting in Probation Placement							S,C
9. Cases Resulting in DOC Commitment					S, C		S,C
10. Cases Resulting in Adult Facilities							
Meets 1% rule for group to be assessed?	Yes	Yes	Yes	No	Yes	No	-
Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Comparative with Other Jurisdictions; C=Contextual Considerations							

(a)Significance

- All Minority youth show disparities that are statistically significant at the stages of arrest, referral, diversion, detention, petition filed, adjudication, probation, and DOC Commitment.
- Native American youth show disparities that are statistically significant at the stages of arrest, referral, diversion, detention, petition filed, and DOC Commitment.
- Black youth show disparities that are statistically significant at the stages of arrest, diversion, and detention.
- Asian youth show disparities that are statistically significant at the stage of detention.
- Hispanic youth show disparities that are statistically significant at the stage of arrest.

(b)Magnitude

- All Minority youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of arrest.
- Native American youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and detention.
- Black youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and detention.

- Asian youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of detention.

(c) Volume

- All Minority youth show a difference in the volume of activity at the statistically significant stages of arrest, detention, and petition filed.
- Native American youth show a difference in the volume of activity at the statistically significant stages of arrest, detention, and petition filed.

(d) Similar Jurisdictions

- In South Dakota, we track each stage of the DMC process to include both status and delinquent offenses since they have similar dispositional options and due to limitations in data. Therefore, it would not be appropriate to compare South Dakota rates to other jurisdictions.

(e) Contextual Considerations

- Law enforcement agencies note that many contacts with the community are from community complaints and that a significant larger number of complaints result in contact with Native American youth.
- A large number of youth are identified as “Other/Mixed” at the stages of referral, petition filed, and adjudication because they do not have race information identified for all youth. This information gap indicates issues within the “Other/Mixed” group which may not be accurate since the race of these juveniles is actually unknown.
- In South Dakota, DOC Commitments have been higher for Native American youth than for white youth. Near the end of April 2012, 47% of the SDDOC Juvenile Community Corrections caseload in South Dakota was composed of minority youth.

(2) Minnehaha

The following chart shows the basic information for the stages of the juvenile justice system as they pertain to the

significance, magnitude, volume and contextual considerations relating to the Minnehaha County data.

Relative Rate Index (RRI) Analysis and Tracking							
State : South Dakota County : Minnehaha	Black or African- American	Hispanic Or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	S,M, V,C				S,M, V,C		S,M, V,C
3. Refer to Juvenile Court			S		S		S,V
4. Cases Diverted	S				S		S
5. Cases Involving Detention	S				S,M,V		
6. Cases Petitioned (Charge Filed)					S,V		S,C
7. Cases Resulting in Adjudication					S		
8. Cases resulting in Probation Placement							S
9. Cases Resulting in DOC Commitment							
10. Cases Resulting in Adult Facilities							
Meets 1% rule for group to be assessed?	Yes	Yes	Yes	No	Yes	No	-
Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Comparative with Other Jurisdictions; C=Contextual Considerations							

(a)Significance

- All Minority youth show disparities that are statistically significant at the stages of arrest, referral, diversion, petition filed, and probation.
- Native American youth show disparities that are statistically significant at the stages of arrest, referral, diversion, detention, petition, and adjudication.
- Black youth show disparities that are statistically significant at the stages of arrest, diversion, and detention.
- Asian youth show disparities that are statistically significant at the stages of referral.

(b)Magnitude

- All Minority youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of arrest.
- Native American youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and detention.
- Black youth show overrepresentation that is has the greatest degree of difference between racial and ethnic groups at the stage of arrest.
- Asian youth show overrepresentation that is has the greatest degree of difference between racial and ethnic groups at the stage of referral.

(c) Volume

- All Minority youth show a difference in the volume of activity at the statistically significant stages of arrest and referral.
- Native American youth show a difference in the volume of activity at the stages of arrest, detention, and petition.

(d) Similar Jurisdictions

- In South Dakota, we track each stage of the DMC process to include both status and delinquent offenses since they have similar dispositional options and due to limitations in data. Therefore, it would not be appropriate to compare South Dakota rates to other jurisdictions.

(e) Contextual Considerations

- Law enforcement agencies note that many contacts with the community are from community complaints and that a significant larger number of complaints result in contact with Native American youth.
- As one of only two Metropolitan Statistical Areas in South Dakota, Minnehaha County experiences the phenomenon known as attractive nuisance due to commercial or entertainment opportunities.
- In Minnehaha County, a large number of youth are identified as “Other/Mixed” at the stages of referral, petition filed, and adjudication because they do not have appropriate race information identified. This information gap indicates issues within the “Other/Mixed” group which may not be accurate since the race of these juveniles is actually unknown.
- Minnehaha County Juvenile Detention Center is a regional detention facility which provides both secure and non-secure detainment options. There have been issues encountered in the efforts to accurately account for the security status of all juveniles housed within the facility. In Addition, the facility serves as a regional detention facility that compacts with 13 other counties to provide housing options for pre-adjudication and dispositional youth.
- In Minnehaha County, DOC Commitments have been higher for minority youth than for white youth. At the end of April 2012, 41% of the SDDOC Juvenile Community Corrections caseload in

Minnehaha County was composed of minority youth.

(3) Pennington

The following chart shows the basic information for the stages of the juvenile justice system as they pertain to the significance, magnitude, volume and contextual considerations relating to the Pennington County data.

Relative Rate Index (RRI) Analysis and Tracking							
State : South Dakota County : Pennington	Black or African- American	Hispanic Or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests			S,C		S,M,V,C		S,M,V,C
3. Refer to Juvenile Court							S
4. Cases Diverted	S				S		S
5. Cases Involving Detention					S		
6. Cases Petitioned (Charge Filed)					S,V		S, C
7. Cases Resulting in Adjudication					S		S, C
8. Cases resulting in Probation Placement					S		S
9. Cases Resulting in DOC Commitment							
10. Cases Resulting in Adult Facilities							
Meets 1% rule for group to be assessed?	Yes	Yes	Yes	No	Yes	No	-
Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Comparative with Other Jurisdictions; C=Contextual Considerations							

(a)Significance

- All Minority youth show disparities that are statistically significant at the stages of arrest, referral, diversion, petition, adjudication, and probation.
- Native American youth show disparities that are statistically significant at the stages of arrest, diversion, detention, petition, adjudication, and probation.

(b) Magnitude

- All Minority youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of arrest.
- Native American youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of arrest.

(c) Volume

- All Minority youth show a difference in the volume of activity at the statistically significant stages of arrest.
- Native American youth show a difference in the volume of activity at the statistically significant stages of arrest and petition.

(d) Similar Jurisdictions

- In South Dakota, we track each stage of the DMC process to include both status and delinquent offenses since they have similar dispositional options and due to limitations in data. Therefore, it would not be appropriate to compare South Dakota rates to other jurisdictions.

(e) Contextual Considerations

- Law enforcement agencies note that many contacts with the community are from community complaints and that a significant larger number of

complaints result in contact with Native American youth.

- As one of only two Metropolitan Statistical Areas in South Dakota, Pennington County experiences the phenomenon known as attractive nuisance due to commercial or entertainment opportunities.
- In Pennington County, diversion programs are provided by the States Attorney's Office prior to any referrals to the court system. Local input has suggested that a lack of culturally appropriate diversion programs hinder the successful completion of diversion for Native American youth.
- Western South Dakota Juvenile Services Center is a regional detention facility which provides both secure and non-secure detainment options. There have been many issues encountered in the efforts of accurately account for the security status of all juveniles housed within the facility. In Addition, the facility is a regional detention facility that compacts with 6 other counties, serves many of the other counties in western South Dakota, and has contracts with many federal agencies to provide beds.
- In Pennington County, DOC Commitments have been higher for Native American youth than for white youth. Throughout analysis, RRI values were unable to be calculated due to small numbers of white youth committed during the period. At the end of February 2011, 53% of the SDDOC Juvenile Community Corrections caseload in Pennington County was composed of Native American youth.

B. Phase II: Assessment/Diagnosis

In the Assessment phase of the DMC Process, the Department of Corrections contracted with researchers from Mountain Plains Research to conduct an assessment of DMC in order to assist the Council in identifying interventions that can reduce the occurrence of DMC. Based on findings of the assessment the following mechanisms have been identified as contributing to minority over representation in South Dakota:

- **Differential Behavior:** The rates at which youth from various racial and ethnic subgroups are involved in activity may differ.
- **Indirect Effects:** Reflects the fact that in this society, economic status, education, location, and a host of risk factors associated with delinquent behavior, among other factors, are linked with race and ethnicity.
- **Differential Opportunities for Prevention and Treatment:** The allocation of prevention and treatment resources within communities is seldom uniform or universally accessible across the entire community. In some instances, those allocations create a disadvantage for minority youth.
- **Differential Processing or Inappropriate Decision-making Criteria:** Differential processing or inappropriate decision-making criteria can be an issue in determining program eligibility, implementing diversion programs, and selecting alternative decision outcomes.
- **Justice by Geography:** The concept that youth in general, and minority youth in particular, may be processed or handled differently in one jurisdiction than in another within the same state.
- **Legislation, Policies, and Legal Factors with Disproportionate Impact:** Policies enacted through legislation or through administrative action may sometimes contain elements that create a disadvantage for minority youth.

C. Phase III: Intervention**1. Progress Made in FY 2010**

a) Activities Implemented

The Council of Juvenile Services selected three communities in which to fund local DMC interventions – Minnehaha, Pennington, and Roberts Counties. SFY2011 allocations for DMC intervention projects were set at \$60,000 for both Minnehaha and Pennington Counties and \$30,000 for Roberts County. In addition, an additional allocation was established to help cover costs for part-time local coordination efforts. Project funding was as follows:

SFY2012 DMC Projects			
	Provider	Description	Active Allocation
		All DMC Projects	\$116,278.50
Minnehaha	Lutheran Social Services	Hocoka Diversion Program	\$53,787.00
	Great Plains Psychological Services	Positive Indian Parenting	\$4,200.00
Pennington	Western South Dakota Juvenile Services Center	Youth Talking Circles	\$6,000.00
Roberts	Sisseton School District	Project Respect/Mentoring	\$22,291.50
Statewide	Department of Corrections	Staff, Meetings, Evaluation, and Travel	\$30,000.00

DMC Awareness – In order to create awareness about DMC, a variety of information dissemination products were established which include presentations, publications, and website updates.

Data Improvement – As part of the plan, data is monitored and plans are made as necessary to address missing data as an ongoing process. Efforts are ongoing to improve quantity and quality of the data currently available for the study of DMC.

Local DMC Workgroups – The DMC Coordinator oversaw the subgrants within the three awarded local DMC sites and provided ongoing support to the local JDAI jurisdictions in Minnehaha and Pennington County. In addition the coordinator worked to help local JDAI Coordinators plan and prepare to take over the local DMC

initiatives in these sites. The DMC Coordinator also monitors the progress of the local intervention projects, researches local DMC issues, and provides feedback on the progress of the local DMC intervention workgroups.

Evaluation – During Federal Fiscal Year 2010, the Council of Juvenile Services began to pursue the implementation of Juvenile Detention Alternatives Initiatives (JDAI) in the two MSA locations, Minnehaha and Pennington Counties. These sites have begun the local system assessments and are doing in-depth studies of their local justice systems. Beginning in April 2011, the Council of Juvenile Services has decided to turn all local DMC oversight and monitoring to the local Policy Level JDAI Steering Committee. These efforts will ensure that appropriate stakeholders are being included in the process and that a comprehensive plan is created to address system issues through a racial lens.

Monitoring – All programs will continue to be required to provide measures as well as additional information as part of the JDAI implementation. The Council of Juvenile Services will monitor overall JDAI/DMC implementation and

Legal Education Program – The Council of Juvenile Services supported the creation of the Fourth Edition of the South Dakota Juvenile Justice Guidebook in 2010. The guidebook includes system information that aims to help with the navigation of the juvenile justice system by providing information regarding rights and responsibilities, navigating the justice system, and parenting a juvenile that is involved with the juvenile justice system. In 2011, copies of this publication continue to be distributed to juvenile justice stakeholders.

b) Activities Not Implemented

None.

c) Goals, Objectives, and Measures

PROGRAM AREA:		Disproportionate Minority Contact	
STANDARD PROGRAM AREA:	10	STATE PROGRAM DESIGNATOR:	10
<p>Problem Statement: Minority youth, primarily Native American youth, are over-represented at most stages of South Dakota's juvenile justice system.</p> <p>Goal 1: Decrease Disproportionate Minority Contact within the juvenile justice system through identification, assessment, intervention, evaluation, and ongoing monitoring of juvenile justice system activity.</p> <p>Objective 1: Financially support the implementation of the Disproportionate Minority Contact (DMC) intervention efforts and initiatives in two communities that focus on reduction strategies for populations of minority youth that have over-representation in the juvenile justice system during State Fiscal Year 2012.</p> <p>Activity 1: Local JDAI Steering Committees develop a detailed work plan that outlines DMC activities in conjunction with the Juvenile Detention Alternative Initiative (JDAI).</p> <p>Activity 2: Once the plan is approved by the Council of Juvenile Services, establish a contract between DOC and local entities to implement the local interventions.</p> <p>Objective 2: Evaluate and monitor local DMC efforts and initiatives for performance and effectiveness in the two DMC intervention communities.</p> <p>Activity 1: Local JDAI Steering Committees to provide local updates and Performance Measures to the Department of Corrections.</p> <p>Activity 2: Local JDAI Coordinators attend meetings to provide local updates.</p>			
<p>Performance Measures:</p> <p>Number of programs implemented</p> <p>Number of agencies reporting improved data collection.</p> <p>Number of contributing factors determined from assessment studies.</p> <p>Number of contact points reporting reduction in disproportionality.</p> <p>Number and percent of recommendations from assessment studies implemented.</p>			

D. Phase IV: Evaluation

To date each intervention strategy implemented has an evaluation plan for collecting information that is developed at the time of funding agreements or updates. The measures collected included the performance level information as required by OJJDP. In addition, each evaluation plan included additional data and annual evaluation visits for the purpose of updates, record maintenance, function, and progress reporting that the Council of Juvenile Services in making a determination of continued funding. Any DMC site that is not implementing JDAI will continue to be evaluated in this manner.

With the new direction of the Council of Juvenile Services that focuses on the implementation of Juvenile Detention Alternatives Initiative (JDAI), each site will be responsible for implementing the DMC process as part of the community's overall plan to implement JDAI. All sites are required to prepare detailed plans as part of funding application which specifies overall goals and objectives. Sites implementing JDAI will be responsible for reporting data regarding their overall progress towards their goals as well as performance measures as required by for annual performance measuring.

No formal evaluation process has been undertaken to review the individual programs as service numbers are smaller than appropriate for formal evaluation.

E. Phase V: Monitoring

South Dakota will continue to fund a part-time DMC Coordinator. The duties of the DMC Coordinator will be to oversee the implementation of statewide strategies, oversee subgrants for local DMC projects, and monitor data trends.

South Dakota will continue to work towards updating DMC information on an annual basis. Data will be compiled as it becomes available to the department. For

more information on strategies for the ongoing monitoring of DMC in South Dakota are outlined in the DMC Reduction plan found in this section.

F. DMC Reduction Plan for FY 2012-2014**1. Activities, Strategies, and Timelines for DMC**

Strategy	Activity	Year 1	Year 2	Year 3
Interventions in 2 Locations that focus on decreasing DMC	➤ Request proposals from all locations eligible for funding DMC Interventions in two Metropolitan Statistical Areas (\$60,000 per site)	September 2012	December 2013	December 2014
Increase education and training opportunities regarding Disproportionate Minority Contact (DMC)	➤ Hold Race and Ethnic Disparities Training for local DMC Workgroup members	May 2012		
Dissemination of DMC information	➤ Disseminate the DMC information (presentations, press releases, website)	Ongoing	Ongoing	Ongoing
Data improvement projects	➤ Identification and implementation of data improvement projects.	Ongoing	Ongoing	Ongoing
Evaluation	➤ Develop local evaluations plans. ➤ Ongoing DMC site updates.	September 2012 Ongoing	January 2013 Ongoing	January 2014 Ongoing
Ongoing Monitoring	➤ Completion of DMC Spreadsheets for statewide and local DMC sites and detailed data review. ➤ Submission of Performance Measures to OJJDP.	April 2012 December 2012	June 2013 December 2013	June 2014 December 2014
Assessment	➤ JDAI Assessment Planning ➤ JDAI System Assessment	Fall 2012	June 2013	

V. Coordination of Child Abuse and Neglect and Delinquency Programs**A. Reducing Probation Officer Caseloads**

The Act allows formula grant participants to reserve funds and provide incentive grants to units of general local government to reduce the caseload of probation officers. In South Dakota, probation is a state responsibility through the Unified Judicial System. South Dakota does not plan to reserve funds for this section of the Act. Funds reserved would not go to units of local government as they do not provide probation services; therefore, this section is not applicable to South Dakota and our Three-Year Plan.

B. Sharing Public Child Welfare Records with Juvenile Courts**1. Juvenile Justice Records Committee**

The Committee was initially formed in 2005 to address the child welfare records requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The primary goal of the Committee was to develop recommendations to address the record sharing requirements of the Act. The Committee also identified other opportunities to improve records sharing between individuals and agencies working with children and families in the child protection and juvenile justice systems in South Dakota. It was the hope of the Committee that through addressing the information sharing barriers between agencies and individuals working in the child protection and juvenile justice systems, increased collaboration would occur that would lead to improved service provision and outcomes for children and families.

Consistent with federal and state confidentiality requirements and keeping with the best interests of the child, the mission of the Juvenile Justice Records Committee was to ensure appropriate information sharing between agencies

and individuals to aid in the delivery of services to children and families involved in South Dakota's child protection and juvenile justice systems.

The Juvenile Justice Records Committee was comprised of representatives from the Division of Juvenile Services, Division of Child Protection Services, the Unified Judicial System, States Attorneys, defense counsel and education.

2. Child Welfare Records Legislation

In 2006, the Council of Juvenile Services requested technical assistance from the OJJDP to address the appropriate sharing of child welfare records with the Court and juvenile corrections. Through this technical assistance, staff from the Child Welfare League of America facilitated the efforts of the Juvenile Justice Records Committee to develop legislation to provide for the sharing of child welfare records.

In October of 2006, the draft legislation developed by the Committee was approved by the Council for submission in the 2007 Legislative Session. The draft legislation authorized child abuse registry checks on individuals who were being considered as placement options by the Court or the Department of Corrections. Further, the legislation provided for the sharing of abuse and neglect file information for CHINS and delinquency proceedings and for individuals committed to the DOC. The legislation also authorized the DOC to share its records with the Court and Child Protection Services.

The legislation, in the form of House Bill 1059, passed both houses of the Legislature with overwhelming majorities and was signed into law by Governor Rounds on February 2, 2007.

C. Establishing Policies and Systems to Incorporate Child Protective Services Records into Juvenile Justice Records

Juvenile arrest records are routinely shared with the courts, Child Protection Services, and the Department of Corrections. South Dakota's juvenile justice system utilizes a Release-of-Information form signed by the juvenile and /or parents/guardian in order to share education, mental health, and substance abuse records consistent with federal law. Historically, the sharing of Child Protection records with the courts and the Department of Corrections has been a problem. With the authorization to share records provided by House Bill 1059, the Juvenile Justice Records Committee and the participating agencies have addressed and continue to monitor this barrier by developing the necessary protocols, agreements, policies and forms to allow for the sharing of these records and the incorporation of this information into the treatment and case planning processes of the various agencies.

The Department of Corrections and the Department of Social Services are collaborating efforts to address the issue of youth that crossover between both agencies. These two departments are working together to best provide services and address problems when joint custody exists between both agencies, and subsequently develop clear protocols for those youth under joint custody.

South Dakota assures that juvenile offenders whose placement is funded through section 472 of the Social Security Act receive the protections as described under the ACT including a case plan and case plan review as defined in Section 475 of such ACT.

VI. Disaster Preparedness Plan

The Department of Corrections has developed an Emergency Response Manual (OM 5.3. B.1) which was effective on June 18, 2010. This manual is reviewed by the STAR Academy Superintendent's Office on an annual basis and details the handling of juvenile offenders during a disaster. This manual is not for public distribution but can be made available for review during an onsite visit.

VII. Collecting and Sharing Juvenile Justice Information

A. Efforts for Statewide Information Sharing

In an effort to be consistent with information already published, project staff extensively utilizes existing summary data as provided by the various state agencies' fiscal year reports. Summary information is accessed from the Departments of Education, Human Services, and Social Services.

Arrest information is collected by the Attorney General's Division of Criminal Investigation to complete their *Annual Crime in South Dakota Report* and specific data runs are completed for project staff upon request. Arrest data for the state's two largest jurisdictions is also collected directly from Minnehaha and Pennington Counties.

Court data consists of information from the Unified Judicial System's annual report. For the purposes of DMC and Compliance Monitoring, court data also consists of juvenile-specific data obtained from an annual computer download of the Unified Judicial System's juvenile data system.

Project staff collects juvenile specific secure custody admission data from South Dakota jails and juvenile detention and corrections facilities. This admission data is utilized for compliance monitoring and DMC identification and monitoring.

Detailed Department of Corrections' juvenile data is readily available for use.

KidsCount Fact Book is an annual publication completed on a statewide basis, and funded through the Annie E. Casey Foundation. Departments throughout the state report information for this publication.

B. Barriers to Information Sharing

South Dakota has encountered many barriers in the collection of information of juvenile justice data. Major barriers that have been identified include:

- Juvenile Matching – Due to the separate juvenile systems and process for assigning identification numbers, many juvenile records are not able to be matched across agencies in order to track juveniles through the justice system.
- While detention admission data is available, some electronically and some hardcopy, juvenile specific screening and temporary custody information is not available electronically on a statewide basis. This makes it difficult to identify the number and demographics of youth being diverted from secure custody and how many of the youth are repeatedly being taken into temporary custody and how many are first time offenders.
- There is an inconsistency in what data is collected. Many departments collect basic data while skipping other important demographic components.
- There is limited usage of juvenile justice data. Lack of data use leads to decreased efforts to maintain it because it is not found to be important.
- There is a lack of law enforcement, detention and Tribal Court data available from the Native American Tribes.

VIII. Program Descriptions**PROGRAM AREA: Compliance Monitoring****STANDARD PROGRAM AREA:** 06 **STATE PROGRAM DESIGNATOR:** 06

Problem Statement: Maintaining compliance with the Acts core requirements and fulfilling the required monitoring responsibilities is critical to continued involvement in the formula grants program and long-term juvenile justice system improvement.

Goal 1: Maintain and improve South Dakota's compliance monitoring system consistent with Formula Grant Program requirements.

Objective 1: Improve the South Dakota Compliance Monitoring System in order to increase compliance with JJDP core requirements.

Activity 1: Collect juvenile admission information from secure facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

Activity 2: Develop compliance-related materials.

Activity 3: Conduct meetings, monitoring visits, inspections, and training to aid in the development of compliance strategies.

Activity 4: Update and classify compliance monitoring universe on an annual basis.

Objective 2: Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with JJDP Core Requirements.

Activity 1: Provide opportunities for staff working with the JJDP Core Requirements to receive training.

Performance Measures

Number and percent of program staff trained

Number of hours of program staff training provided

Funds allocated to adhere to Section 223 (a) (14) of the JJDP Act of 2002

Number of activities that address compliance with Section 223 (a) (14) of the JJDP Act of 2002

Number of facilities receiving TA

Submission of annual Monitoring Report

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$25,000.00	\$0.00	\$25,000.00
2013	\$25,000.00	\$0.00	\$25,000.00
2014	\$25,000.00	\$0.00	\$25,000.00
Expected Number of Subgrants:		0	

PROGRAM AREA: Deinstitutionalization of Status Offenders

STANDARD PROGRAM AREA: 08 **STATE PROGRAM DESIGNATOR:** 08

Problem Statement: Maintaining compliance with DSO requirements of the Act, as amended, is critical for continued formula grants program compliance and juvenile justice system improvement.

Goal 1: Maintain a system of services in areas where youth are at risk for being held in secure facilities in violation of the DSO requirement so that youth can be housed appropriately in the community.

Objective 1: Maintain a county reimbursement system for shelter care, holdover sites, and transportation as alternatives to secure custody to improve South Dakota's compliance with the DSO requirement.

Activity 1: Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

Goal 2: Monitor compliance with DSO requirement and provide feedback, information and support to facilities and decision-makers impacted by the DSO requirement.

Objective 1: Provide information and support to decisions-makers impacting DSO.

Activity 1: Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

Objective 2: Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with DSO Requirements.

Activity 1: Provide opportunities for staff working with the JJDP Core Requirements to receive training on DSO.

Performance Measures

Funds allocated to adhere to DSO

Number of programs implemented.

Number of site visits conducted.

Number of program youth served.

Change in the number of violations of DSO

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$40,000.00	\$0.00	\$40,000.00
2013	\$40,000.00	\$0.00	\$40,000.00
2014	\$40,000.00	\$0.00	\$40,000.00
Expected Number of Subgrants:		Expect that up to 25 entities would be eligible for reimbursement programs.	

PROGRAM AREA: Disproportionate Minority Contact**STANDARD PROGRAM AREA:** 10 **STATE PROGRAM DESIGNATOR:** 10**Problem Statement:** Minority youth, primarily Native American youth, are over-represented at most stages of South Dakota's juvenile justice system.**Goal 2:** Decrease Disproportionate Minority Contact within the juvenile justice system through identification, assessment, intervention, evaluation, and ongoing monitoring of juvenile justice system activity.**Objective 3:** Financially support the implementation of the Disproportionate Minority Contact (DMC) intervention efforts and initiatives in two communities that focus on reduction strategies for populations of minority youth that have over-representation in the juvenile justice system.**Activity 3:** Work with Local JDAI Steering Committees and Coordinators to develop a detailed work plan that outlines DMC activities in conjunction with the Alternative to Detention.**Activity 4:** Once the plan is approved by the Council of Juvenile Services, establish a contract between DOC and local entities to implement the local interventions.**Objective 4:** Evaluate and monitor local DMC efforts and initiatives for performance and effectiveness in the two DMC intervention communities.**Activity 3:** Local projects and JDAI Steering Committees to provide local updates and Performance Measures to the Department of Corrections.**Performance Measures**

Number of programs implemented

Number of agencies reporting improved data collection.

Number of contributing factors determined from assessment studies.

Number of contact points reporting reduction in disproportionality.

Number and percent of recommendations from assessment studies implemented.

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$95,000.00	\$0.00	\$95,000.00
2013	\$95,000.00	\$0.00	\$95,000.00
2014	\$95,000.00	\$0.00	\$95,000.00
Expected Number of Subgrants:		Expect two DMC funded intervention sites.	

South Dakota has queried the SMART system, and ran a report through Mapping and Analysis. A report was generated using various indicators for those areas that we anticipate awarding FY12 Title II funding. Prior to making subgrant awards, the SMART system will be queried applicable to those areas seeking funding. The SMART report is included in the application as a separate attachment.

PROGRAM AREA:**Jail Removal****STANDARD PROGRAM AREA:** 17 **STATE PROGRAM DESIGNATOR:** 17

Problem Statement: Maintaining compliance with jail removal requirements of the Act, as amended, is critical for continued formula grants program compliance and juvenile justice system improvement.

Goal 1: Maintain a system of services in areas where children are at risk of being held in jails in violation of the jail removal requirement so that youth can be housed appropriately in the community.

Objective 1: Maintain a county reimbursement system for detention, shelter care, holdover sites, and transportation as alternatives to secure custody to improve South Dakota's compliance with the jail removal requirement.

Activity 1: Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

Goal 2: Monitor compliance with jail removal requirement and provide feedback, information and support to facilities and decision-makers impacted by the jail removal requirement.

Objective 1: Provide information and support to decisions makers impacting jail removal.

Activity 1: Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

Objective 2: Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with jail removal requirements.

Activity 1: Provide opportunities for staff working with the JJDPA Core Requirements to receive training on jail removal.

Performance Measures

Funds allocated to adhere to jail removal

Number of programs implemented

Number of program youth served.

Change in the number of violations of jail removal

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$40,000.00	\$0.00	\$40,000.00
2013	\$40,000.00	\$0.00	\$40,000.00
2014	\$40,000.00	\$0.00	\$40,000.00
Expected Number of Subgrants:		Up to 25 entities would be eligible for reimbursement programs.	

PROGRAM AREA: Native American Programs**STANDARD PROGRAM AREA:** 22 **STATE PROGRAM DESIGNATOR:** 22**Problem Statement:** Native American Tribal juvenile justice programs lack the resources to address the needs of youth coming before the Tribal courts.**Goal 1:** Through a collaborative state-local-tribal governmental effort, utilize Native American Programs funding to support the development, implementation, and maintenance of juvenile justice programs both on and off the reservations.**Objective 1:** Improve planning and development of Native American Programs.**Activity 1:** Hold Tribal Advisory Group meetings in order to assess the needs of Native American youth in the state and tribal justice systems; document the existing services to meet those needs; identify barriers that restrict access to these services; identify service gaps; and develop, implement, and evaluate programs to address the barriers and service gaps in tribal juvenile justice programs.**Activity 2:** Compile needs and services inventories and submit to the Council of Juvenile Services for consideration in the development of Native American programs.**Activity 3:** SAG subgrants Native American Programs funding for juvenile justice programs based on results and analysis of needs and services inventories.**Activity 4:** Conduct ongoing monitoring and program evaluations on subgrants.**Activity 5:** Advocate for the development of a stable funding stream for Tribal juvenile justice program.**Performance Measures**

Number of planning activities conducted.

Number of program youth served.

Number and percent of program youth completing program requirements.

Number and percent of program youth that offend or re-offend.

Number of program youth exhibiting desired change in targeted behaviors (substance use, antisocial behavior, family relationships, and social competencies).

Number of service hours completed.

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$40,000.00	\$0.00	\$40,000.00
2013	\$40,000.00	\$0.00	\$40,000.00
2014	\$40,000.00	\$0.00	\$40,000.00
Expected Number of Subgrants:		Expect two subgrants.	

South Dakota has queried the SMART system, and ran a report through Mapping and Analysis. A report was generated using various indicators for those areas that we anticipate awarding FY12 Title II funding. Prior to making subgrant awards, the SMART system will be queried applicable to those areas seeking funding. The SMART report is included in the application as a separate attachment.

PROGRAM AREA: Separation

STANDARD PROGRAM AREA: 28 **STATE PROGRAM DESIGNATOR:** 28

Problem Statement: Maintaining compliance with sight and sound separation requirements of the Act, as amended, is critical for continued formula grants program compliance and juvenile justice system improvement.

Goal 1: Maintain a system of services in areas where youth are at risk for being held in secure facilities in violation of the separation requirement so that youth can be housed appropriately in the community.

Objective 1: Maintain a county reimbursement system for shelter care, holdover sites, and transportation as alternatives to secure custody to improve South Dakota's compliance with the separation requirement.

Activity 1: Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

Goal 2: Monitor compliance with separation requirement and provide feedback, information, and support to facilities and decision-makers impacted by the separation requirement.

Objective 1: Provide information and support to decisions-makers impacting compliance with the separation requirement.

Activity 1: Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

Objective 2: Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with separation requirements.

Activity 1: Provide opportunities for staff working with the JJDPA Core Requirements to receive training on separation.

Performance Measures

Funds allocated to adhere to separation.

Number of programs implemented.

Change in the number of violations of separation.

Number and percent of program youth who are (re)victimized

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$20,000.00	\$0.00	\$20,000.00
2013	\$20,000.00	\$0.00	\$20,000.00
2014	\$20,000.00	\$0.00	\$20,000.00
Expected Number of Subgrants:		Expect up to 30 counties as being eligible for reimbursement programs.	

PROGRAM AREA: State Advisory Group Allocation

STANDARD PROGRAM AREA: 31 **STATE PROGRAM DESIGNATOR:** 31

Problem Statement: There is a need to fund and operate the Council of Juvenile Services to serve as the State Advisory Group in order to fulfill the responsibilities required by the Juvenile Justice and Delinquency Prevention Act, as amended, and to provide the opportunity for citizen and practitioner input in the state's participation in the formula grants program.

Goal 1: Maintain the Council of Juvenile Services as the state advisory group for the state's participation in the formula grant.

Objective 1: Conduct planning and development of effective juvenile justice programs within South Dakota.

Activity 1: Fund programs consistent with priorities as identified by the Council of Juvenile Services.

Activity 2: Hold planning meetings to identify and prioritize juvenile justice problems to be address under the Formula Grant Program.

Activity 3: Submit annual report and recommendations to Governor, Chief Justice, and Legislature.

Goal 2: Increase collaboration with Native American Tribes and the state juvenile justice system in order to improve coordination and access services operated by tribal entities including temporary custody, diversion, and treatment services instead of relying solely on existing state operated or contracted programs.

Objective 1: Foster networking by juvenile justice practitioners from the nine tribes with one another and with representatives from other groups or organizations who have resources or collateral interests

Activity 1: Convene regular meetings of the South Dakota Tribal Advisory Group.

Activity 2: Advise the Council of Juvenile Services on matters as requested

Performance Measures

Number of grants funded with Formula Grant funds.

Number and percent of programs using evidence-based models.

Number and percent of plan recommendations implemented.

Number of Council of Juvenile Services meetings held.

Number of subcommittee meetings held.

Submission of annual report to the governor.

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$20,000.00	\$0.00	\$20,000.00
2013	\$20,000.00	\$0.00	\$20,000.00
2014	\$20,000.00	\$0.00	\$20,000.00
Expected Number of Subgrants:		0	

PROGRAM AREA: Planning and Administration

STANDARD PROGRAM AREA: 23 **STATE PROGRAM DESIGNATOR:** 23

Problem Statement: The Department of Corrections has been designated to provide staff support for the State's participation in formula grants programs.

Goal 1: The Department of Corrections will provide staff support to formula grants programs and the Council of Juvenile Services in order to meet the federal requirements and state statutory responsibilities.

Objective 1: Provide staff support to the Council of Juvenile Services in order to assist them in fulfilling their responsibilities under the Formula Grants Programs and state law.

Activity 1: Track planning and administration activities.

Objective 2: Provide staff support for the subgrants and contract processes for the programs implemented to address DSO, jail removal, separation, DMC, Native American Programs, System Improvement and Juvenile Detention Alternatives Initiative.

Activity 1: Implement and evaluate programs implemented with Formula Grant Funds.

Performance Measures

Funds awarded for planning and administration.

Number of Council of Juvenile Services and committee meetings conducted.

Number of full-time equivalents funded.

Number of subgrants awarded.

Number and percent of programs using evidence-based models

Average time from receipt of subgrant application to date of award.

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$40,000.00	\$40,000.00	\$80,000.00
2013	\$40,000.00	\$40,000.00	\$80,000.00
2014	\$40,000.00	\$40,000.00	\$80,000.00
Expected Number of Subgrants:	0		

PROGRAM AREA:**Alternatives to Detention****STANDARD PROGRAM AREA:** 02**STATE PROGRAM DESIGNATOR:** 02

Problem Statement: South Dakota has one of the highest incarceration rates of detention per capita, there is a need to develop alternatives to detention, commitment to the Department of Corrections, or out-of-home placement.

Goal 1: Provide educational opportunities to juvenile justice system practitioners that promote juvenile justice change and increase the awareness of juvenile justice alternatives.

Objective 1: Increase the awareness juvenile justice system practitioners of South Dakota's juvenile incarceration rate, disparities within the justice system, contributing factors, and possible interventions.

Activity 1: Provide ongoing data regarding the juvenile justice system juvenile incarceration rate and contributing factors.

Activity 2: Provide for educational opportunities to learn about ideas and strategies relating to alternatives to detention.

Activity 3: Provide for statewide network of JDAI practitioners and convene ongoing groups for the practitioners to discuss barriers and issues as well as share information about local successes.

Goal 2: Maintain compliance with the Juvenile Justice and Delinquency Prevention Act and decrease South Dakota's incarceration rate through prevention and early intervention programs and alternatives to detention and commitment to the Department of Correction

Objective 1: Financially support the implementation of the Juvenile Detention Alternatives Initiative (JDAI) in two communities to provide appropriate comprehensive services for youth at risk or involved with the state juvenile justice system during State Fiscal Year 2012 that focus on alternative options for children in need of supervision, utilization of detention for offenders committing serious offenses, decreasing overall length of stay in secure detention, and reducing the use of secure detention for probation violators that do not have new charges for serious offenses.

Activity 1: Identify jurisdiction in which to pilot an alternative to incarceration program.

Activity 2: Provide training and technical assistance to identified jurisdiction to develop pilot program design.

Activity 3: Implement and assess effectiveness to alternative to incarceration pilot program.

Performance Measures

Number of program youth served

Number of program materials developed

Number of program/agency policies or procedures created, amended, or rescinded

Number of planning activities conducted

Number and percent of program youth who re-offend during the reporting period

Number and percent of program youth who offend during the reporting period

Percent change in utilization of detention alternatives

Percent change in the ADP in secure detention

Percent change of ALOS in secure detention

Number and percent of program youth completing program requirements

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2012	\$80,000.00	\$0.00	\$80,000.00
2013	\$80,000.00	\$0.00	\$80,000.00
2014	\$80,000.00	\$0.00	\$80,000.00
Expected Number of Subgrants:		2 JDAI sites	

South Dakota has queried the SMART system, and ran a report through Mapping and Analysis. A report was generated using various indicators for those areas that we anticipate awarding FY12 Title II funding. Prior to making subgrant awards, the SMART system will be queried applicable to those areas seeking funding. The SMART report is included in the application as a separate attachment.

IX. Subgrant Award Assurances

Pursuant to Section 223(a)(21)(A) and (B) of the JJDP Act, South Dakota will to the greatest extent practicable, give priority in funding to evidence-based programs and activities. In the application process, the Council of Juvenile Services will require programs and activities that are evidence-based to indicate this status. The application packet will contain information on OJJDP's Model Programs Guide and Database to assist potential applicants in the development of their program. Applicants will be encouraged to use the database to locate evidence-based juvenile justice strategies that will fit their needs and enhance their likelihood for success.

Subgrants will be awarded for no more than twelve months at any given time, but subgrantees will be given the opportunity to re-apply if funding is available. This would ensure that only those programs that are successful and achieved substantial success in meeting the goals specified in their original subgrant applications are being funded. Subgrant success would be analyzed through quarterly performance reports, site visits and the reimbursement process.

X. SAG Membership

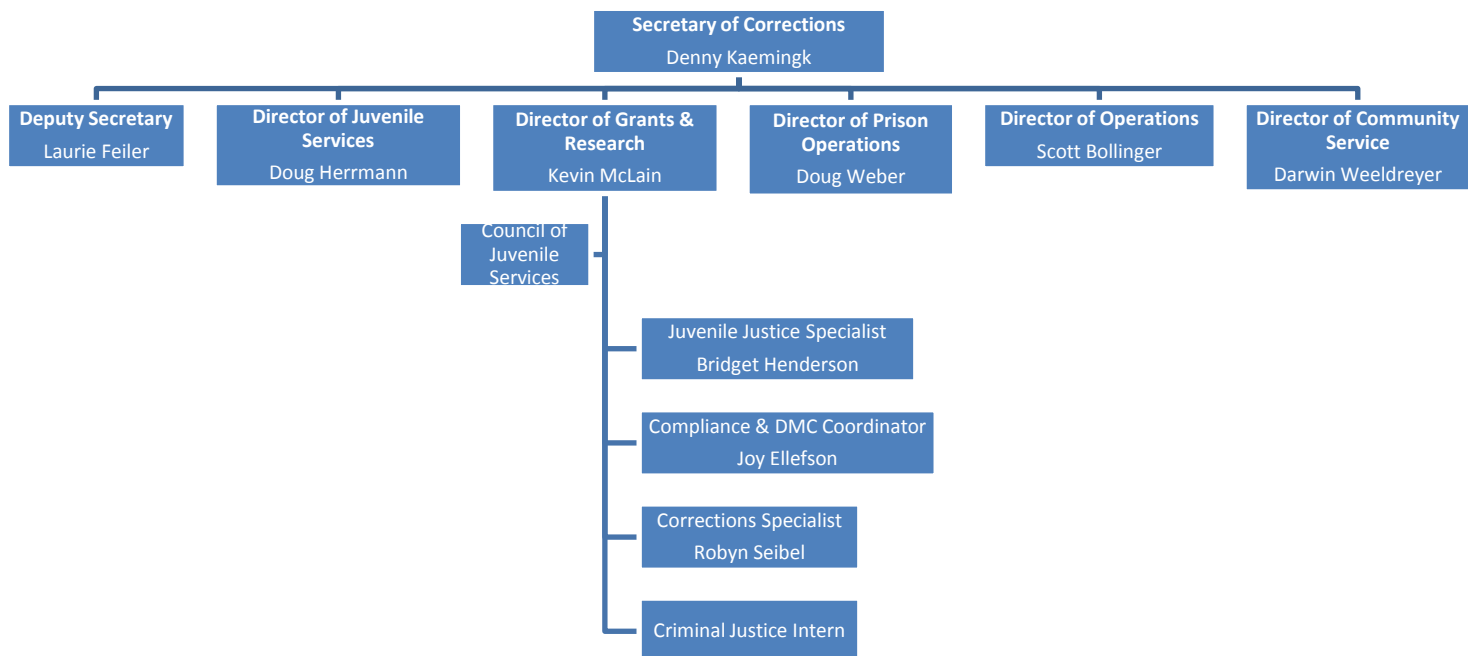
COUNCIL of JUVENILE SERVICES State of South Dakota								
	Name	Representation	F/T Govt.	Youth Member	Date of Appointment	Date of Reappointment	Term Expiration	Residence
1	Carol Twedt, Chair	A			6/6/2003	7/14/2011	10/30/2014	Sioux Falls, SD
2	Virgena Wieseler	C, H	X		9/26/2006	7/15/2009	10/30/2012	Pierre, SD
3	Joanna Vitek	B, G, H	X		9/29/2006	7/15/2009	10/30/2012	Watertown, SD
4	Nancy Allard	B	X		9/26/2006	7/15/2009	10/30/2012	Pierre, SD
5	Tanner Starr	Y		X	1/5/2009	7/15/2009	10/30/2012	Watertown, SD
6	Sheriff Mike Leidholt	A, B	X		6/6/2003	7/17/2009	10/30/2012	Pierre, SD
7	Judge Janine Kern	B	X		6/6/2003	7/15/2009	10/30/2012	Rapid City, SD
8	Dr. Susan Randall	D, E			6/16/2003	7/15/2009	10/30/2012	Sioux Falls, SD
9	Doug Herrmann	B, C	X		6/16/2003	7/17/2009	10/30/2012	Rapid City, SD
10	Michael Zellmer	Y		X	6/29/2010		10/30/2013	Sioux Falls, SD
11	Grant Walker	B	X		10/3/2003	6/29/2010	10/30/2013	Selby, SD
12	Beth O'Toole	D			10/7/2004	7/01/2010	10/30/2013	Sioux Falls, SD
13	JC Chambers	D, F, G			6/6/2003	7/08/2010	10/30/2013	Sioux Falls, SD
14	Judge Karen Jeffries	B	X		9/28/2005	6/29/2010	10/30/2013	Eagle Butte, SD
15	Ella Rae Stone	C			9/29/2005	7/06/2010	10/30/2013	Lake Andes, SD
16	Aaron McGowan	A, B	X		8/14/2008	7/14/2011	10/30/2014	Sioux Falls, SD
17	Elizabeth Heidelberger	F, Y		X	6/26/2007	7/21/2011	10/30/2014	Rapid City, SD
18	Shawna Fullerton	C	X		7/14/2011		10/30/2014	Pierre, SD
19	Victor Erlacher	C, H			4/20/2005	7/14/2011	10/30/2014	Arlington, SD
20	Kelsey Lambert	Y		X	7/14/2011		10/30/2014	Madison, SD

- A. Locally elected officials representing general purpose local government.
- B. Representatives of law enforcement and juvenile justice agencies (juvenile and family court judges, prosecutors, counsel for children and youth, probation workers).
- C. Representatives of public delinquency or treatment agencies (welfare, social services, mental health, education, special education, youth services).
- D. Representatives of private nonprofit organizations including persons concerned with family preservation and strengthening, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, quality of juvenile justice, education, and social services for children.
- E. Volunteers who work with juvenile justice.
- F. Youth workers involved with programs that are alternatives to confinement, including organized recreation activities.
- G. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.
- H. Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.
- Y. Youth Appointments - 4 members

The SAG serves as the supervisory ☐ or advisory ☒ board.

XI. Staff of the JJDP Formula Grants Program**A. Organizational Chart**

The following chart is an organizational layout of the Department of Corrections as it relates to the implementation of grants received by the department.



○ **Grants Administered**

The following information pertains to the programs administered by the designated state agency:

US DEPARTMENT OF JUSTICE GRANTS					
Grant Award	Project	Start Date	End Date	Extension to:	Amount
2009JFFX0021	FY09 JJDPA Formula	10/1/2008	9/30/2011	9/30/2012	\$600,000
2009JBFX0065	FY09 JABG	6/1/2009	5/31/2012	12/15/2012	\$333,100
2009-CZBX0045	FY09 Second Chance Act Prisoner Reentry Initiative	10/1/2009	9/30/2010	3/31/2012	\$749,749
2009-CZBX0045	FY09 Second Chance Act Prisoner Reentry Initiative Supplemental Award (Continuation of Funding)	Start Date 10/1/2009 Award Date 9/15/2011	9/30/2012		\$1,000,000
2009-CZBX0041	FY09 Second Chance Act Youth Offender Reentry Initiative	10/01/2009	9/30/2012		\$749,559
2010JFFX0035	FY10 JJDPA Formula	10/1/2009	9/30/2012		\$600,000
2010JPFX0044	FY10 Title V	10/1/2009	9/30/2012		\$84,945
2010JBFX0089	FY10 JABG	7/1/2010	6/30/2013		\$320,300
2011JFFX0019	FY11 JJDPA Formula	10/1/2010	9/30/2013		\$600,000
2011JPFX0038	FY11 Title V	10/1/2010	9/30/2013		\$50,000
2011JBFX0023	FY11 JABG	7/1/2011	6/30/2014		\$251,229

○ **Staffing Plan**

The following table provides information about staff time designated for the JJDP program.

Staff	Funding Source / Percentage of Time Devoted
Kevin McLain (25% time)	Title II Part B Formula Administration/50% General Funds Match/50%
Bridget Henderson (75% time)	Title II Part B Formula Administration/50% General Funds Match/50%
Joy Ellefson (50% Compliance/ 50% DMC)	Title II Part B Formula Compliance/50% Title II Part B Formula DMC/50%
Intern Position (100% Compliance)	Title II Part B Formula Compliance/100%

- **Staff Duties**

The following is a description of the staffing duties:

Kevin McLain – Director of Grants and Research

- Manage State’s participation in JJDP formula grants program;
- Draft budget and projection documents
- Supervise Juvenile Justice Specialist, Compliance Monitor-DMC Coordinator and Intern;
- Ensure compliance monitoring system and reports meet Act and formula grant requirements.

Bridget Henderson, Corrections Program Specialist:

- Serve as State’s Juvenile Justice Specialist;
- Conduct all Grants Management System processes and complete all required DOJ reports;
- Conduct initial review of subgrant and contract reimbursement requests;
- Coordinate JABG Programs and Title V Programs.

Joy Ellefson, Compliance Monitor and DMC Coordinator

- Serve as Compliance Monitoring Coordinator including providing support to Compliance Monitoring System including data system, data collection, drafting plans, manuals, and reports;
- Serve as DMC Coordinator including providing support for data collection, reports, and evaluation.

To be determined, Criminal Justice Intern

- Provide support to the Compliance Monitoring System;

Jackie Hanson, Senior Accountant

- Maintenance of accounts;
- Generate warrants;
- Draw down funds from DOJ;
- Complete fiscal reports.

XII. Performance Measures Data

Staff of the Formula Grants Program understands that performance measures will be required for successful applicants. Staff will track and work with subgrantees to ensure that performance is monitored and tracked as appropriate for the individual programs.